

WANGER JONES HELSLEY PC

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FACSIMILE TRANSMITTAL SHEET

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TO: Board of the California High Speed Rail Authority

FAX NO.: 916-322-0827

FROM: Timothy Jones

DATE: April 3, 2013

NUMBER OF PAGES (including this page): 5

RE: City of Hanford: Preferred Alignment for High Speed Rail

OUR FILE NO.: 6942-003

DESCRIPTION OF DOCUMENT:

COMMENTS:

The hardcopy of this transmittal is X is not _____ being sent by hand delivery on 4/4/2013.

IF A PROBLEM OCCURS, PLEASE CALL BELINDA ORDWAY AT (559) 233-4800.

RECEIVED
APR 04 2013

BY: _____

WANGER JONES HELSLEY PC

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April 3, 2013

VIA FACSIMILE 916-322-0827 & HAND DELIVERY

Board of the California High Speed Rail Authority
770 L. Street, Suite 800
Sacramento, California 95814

Re: City of Hanford: Preferred Alignment for High Speed Rail

Dear Board of the California High Speed Rail Authority:

My law firm represents MMV Development, which owns real property comprising of approximately 390-acres within the City of Hanford (the "Live Oak Project"). The Live Oak Project is a 1,560-lot planned unit development which includes the Hanford City Council's 2009 approval of Planned Unit Development No. 2005-04, Vesting Tentative Map No. 865, Vesting Tentative Map No. 881, and a Development Agreement. In addition to the residential lots, the Live Oak Project will include parks and open space, as well as supporting infrastructure including streets, water, sewer, drainage facilities and other public utilities that will benefit southwest Hanford.

The California High Speed Rail Authority (the "CHSRA") has identified two new alignments – the "Hanford West Bypass 1" and the "Hanford West Bypass 2" alignments (collectively the "Western Alignments") – both of which essentially bisect the Live Oak Project.

Because the selection of either Western Alignment by CHSRA would negatively impact the Live Oak Project (and the City of Hanford), MMV Development believes it is imperative that the CHSRA choose the eastern alignment. If chosen, the Western Alignments would have significant impacts on both on the Live Oak Project and the City of Hanford. These impacts include:

WANGER JONES HELSLEY PC

Board of the California High Speed Rail Authority
April 3, 2013
Page 2

• Unlike the proposed eastern alignments, which are outside city limits, the Western Alignments would traverse through (and adjacent to) Hanford City limits. The presence of the high speed rail within Hanford City limits would:

- Create a new transportation corridor within (and adjacent to) the City, which would result in City staff having to re-design, re-route, and replace planned and/or existing infrastructure within impacted areas and surroundings;
- Cause negative impacts to existing circulation patterns on the western and southern portions of the City;
- Negatively impact planned and existing public utilities and other infrastructure within the western and southern portions of the City;
- Destroy Lone Oak Slough, which serves as an aesthetic resource, and as riparian woodland habitat for native resident and migratory wildlife species (as well as a critical component of infrastructure for the Live Oak Project, as explained below);
- Cause the City to amend its general plan, and applicable specific plans, to avoid inconsistent land use designations for areas adjacent to the Western Alignments, and to address required changes to planned infrastructure (this would include amendment of, at the very least, the Land Use Element, the Circulation Element, the Open Space Element, the Public Facilities Element, and possibly the Housing Element);
- Create new noise impacts for residents of the City of Hanford (particularly in areas of the City that are unmitigated or under-mitigated);
- Create new negative aesthetic impacts within the City associated with both the presence of the high speed rail, and the construction of mitigation (such as sound walls).

• CHSRA has also informed MMV Development that the Fresno-Bakersfield EIR/EIS does not require mitigation of noise impacts on future residents of the Live Oak Project. As such, the selection of the Western Alignments would ultimately affect the entire western half of the development, which includes approximately 245 acres and 883 dwelling units (88 of which would be low-income housing units). This would cause a very large number of those lots unbuildable and/or unmarketable to homeowners and/or the wholesale re-design of the project. This would frustrate not only the development entitlements MMV Development received in

WANGER JONES HELSLEY PC

Board of the California High Speed Rail Authority
April 3, 2013
Page 3

2009, but also MMV Development's rights under its Development Agreement with the City of Hanford.

- The selection of either Western Alignment would also negatively affect the City's ability to achieve its objectives under the City's Housing Element. Because the implementation of either Western Alignment would directly or indirectly impact approximately 883 dwelling units (half of which are low- or moderate-income housing), the selection of the Western Alignments as a preferred alignment would jeopardize the City's ability to meet its regional 2007-2014 housing needs of 1,015 low-income housing units and 938 moderate-income housing units. (See 2009-2014 Housing Element at 2-31, Appx. B-22.)

- The selection of the Western Alignments would not only affect unmitigated areas within the 1,000 foot buffer. Rather, the selection of the Western Alignments would cause MMV Development to re-design the entire Live Oak Project in a manner that would impact eastern areas of the project in a materially negative way:

- The high speed rail would separate the remaining portions of the Live Oak Project from much of the proposed parkland, which is necessary to satisfy the City's park/open space requirement. Any new park/open space land would likely need to be taken from the eastern portion of the MMV Property, exacerbating the Western Alignments' likely impact on the Live Oak Project.
- The Live Oak Project requires the applicant to construct Houston Avenue to the City of Hanford Standard 110-foot Right-of-Way (Vesting TT 865 PC Resolution, Street Improvements, Item 2). The proposed HSR project will require that this road be constructed as an overpass, which will impact residential units, circulation and at a substantial increase to construction costs.
- The Live Oak Project approved design calls for a proposed 80-foot backbone road (future 12½ Avenue) along the western boundary of the project (adjacent to the Lone Oak Slough). This backbone road was to be utilized as a major circulation element for the project. The selection of the Western Alignments will require relocation of the 80-foot backbone road, and redesign of the site circulation patterns to account for those impacts.
- The selection of the Western Alignments (and the corresponding direct and indirect impacts on most of the western portion of the MMV Property) would require at the very least the re-design of all circulation elements west of 12th Avenue.

WANGER JONES HELSLEY PC

Board of the California High Speed Rail Authority
April 3, 2013
Page 4

- The storm drainage system for the Live Oak Project residential units west of 12th Avenue has been master planned to discharge to a basin adjacent to the Lone Oak Slough and then pumped into the slough. The separation of the Live Oak Project from Lone Oak Slough would likely require both the relocation of storm drainage facilities east of the proposed alignment, and a re-design of the entire Master Storm Drainage Plan.
- The proposed Western Alignments are located adjacent to the Regional Sewer Pump Station site. This site will need to be relocated to a new location and a majority of the Sewer Master Plan will need to be redesigned.
- The selection of the Western Alignments will require the relocation of the 24-inch water main contemplated on the future alignment of 12½ Avenue.
- The Water Master Plan and water models for the Live Oak Project will need to be redesigned to accommodate any facilities that are either displaced or need to be relocated as a result of the selection of the Western Alignments.

As a result of the foregoing, MMV Development respectfully requests that the CHSRA choose the eastern alignment. Thank you for your consideration of the above.

Respectfully submitted,


Timothy Jones

cc: Manny Vierra, MMV Development



KERN COUNTY FARM BUREAU, inc.

801 South Mt. Vernon Avenue
Bakersfield, CA 93307-2048
Phone: (661) 397-9635 - Fax: (661) 397-3403
Web: kerncfb.com - Email: kcfb@kerncfb.com

Steve Maniaci
President

Greg Wegis
1st Vice President

Jeff Rasmussen
2nd Vice President

Benjamin McFarland
Executive Director

April 4, 2013

California High-Speed Rail Authority
Board Meeting
Fresno City Council Chambers
2600 Fresno Street
Fresno, CA 93721

*RE: Informational Update on Identification of Preferred Alignment and Station Locations for Inclusion in
Fresno to Bakersfield Final EIR/EIS*

Afternoon

Good ~~Morning~~ Rail Authority Board Members and Staff:

My name is Ben McFarland, I am the Executive Director of the Kern County Farm Bureau, an organization that represents more than 1,400 farmers, ranchers and their families in Kern County.

As way of background, the Kern County Farm Bureau opposes the California High-Speed Rail project due to its resulting irretrievable loss of important farmland and significant negative impacts it would have on neighboring farming operations. In the event the project is developed, its alignment should be directed onto existing transportation corridors as the original bond measure stressed. Specifically, we urge you to select the alignment along the BNSF alternative rather than the Wasco-Shafter bypass alternative.

There are a variety of problematic issues with the Wasco-Shafter bypass alternative as identified in prior written comments and oral testimony today. Specifically, as it relates to impacts on local farming; the true costs of mitigation, realities of actual farmland lost, and the misleading process of defining waters of the U.S.

→ It is our hope that the submission of this information as well as the farming community's unified opposition to the Wasco-Shafter bypass will help guide your decision on a preferred route alternative. Thank you for your consideration.

Sincerely,

Benjamin McFarland
Executive Director
Kern County Farm Bureau, Inc.



Vintage Production California LLC

A subsidiary of Occidental Petroleum Corporation
Alan E. White, President and General Manager

9600 Ming Avenue, Suite 300
Bakersfield, California 93311
Phone 661.869-8000 Fax 661.869-8024

February 21, 2013

VIA EXPRESS MAIL, CERTIFIED MAIL RETURN RECEIPT REQUESTED

California High Speed Rail Authority
Attn: Gary Kennerley
Regional Manager
Fresno-Bakersfield Segment
770 L Street, Suite 800
Sacramento, CA 95814

Re: Fresno to Bakersfield Portion of High Speed Rail Project – Preference for BNSF
Alignment Versus Wasco-Shafter Bypass Alternative

Dear Mr. Kennerley:

This letter is sent on behalf of the following three subsidiaries of Occidental Petroleum Corporation: a) Vintage Production California LLC, a Delaware limited liability company, b) Vintage Petroleum, LLC, a Delaware limited liability company, and c) OXY USA Inc., a Delaware corporation (collectively, “OXY”). OXY sends this letter under the provisions of the Memorandum of Understanding, dated November 19, 2012, by and between OXY and the State of California High-Speed Rail Authority (the “Authority”) and in furtherance of our continued discussions with the Authority regarding potential impacts to OXY arising from the construction of the Fresno to Bakersfield portion of the High Speed Rail (“HSR”).

For more than two years, OXY has worked cooperatively with the Authority to identify potential impacts to OXY, so as to minimize cost and disruption in the HSR planning process¹. As part of this effort, the Authority recently asked OXY to analyze potential impacts to its ability to access, develop and extract minerals (i.e., oil, gas and other hydrocarbons) from the North Shafter Oil Field. OXY plans to deliver a preliminary analysis of the financial impact to OXY’s facilities, infrastructure, and lost reserves in the next few weeks but sends this letter in connection with the February 21, 2013 Town Hall with Senator Rubio and Assembly Member Salas at Shafter City Hall.

OXY recommends that the Authority select the BNSF Alignment near Shafter and Wasco instead of the Wasco-Shafter Bypass Alternative (the “Bypass”) due to the **significant financial liability to the HSR** should the Bypass be selected. The BNSF Alignment would have minimal

¹ OXY previously provided a map of the HSR alternatives around Shafter and Wasco overlayed on OXY’s minerals; a courtesy copy of the same map is attached.

February 21, 2013

California High Speed Rail Authority

Re: Fresno to Bakersfield Portion of High Speed Rail Project – Preference for BNSF
Alignment Versus Wasco-Shafter Bypass Alternative

impacts on OXY's mineral resources in the area; however, selection of the Bypass will require the Authority to spend significant sums of money to mitigate the impact to and/or take via eminent domain OXY's mineral resources in the area. Based on OXY's preliminary analysis, OXY estimates the Authority would have to **pay to OXY in excess of \$530 million if the Authority chooses the Bypass**. OXY's forthcoming preliminary analysis will provide details of various impacts to OXY's wells and other facilities in expense/loss scenarios ranging from \$268 million to \$945 million, but all such scenarios assume ideal conditions and do not capture all economic impacts to which OXY will likely be entitled to recover. Therefore, OXY suggests that HSR select the BNSF Alignment.

Sincerely,

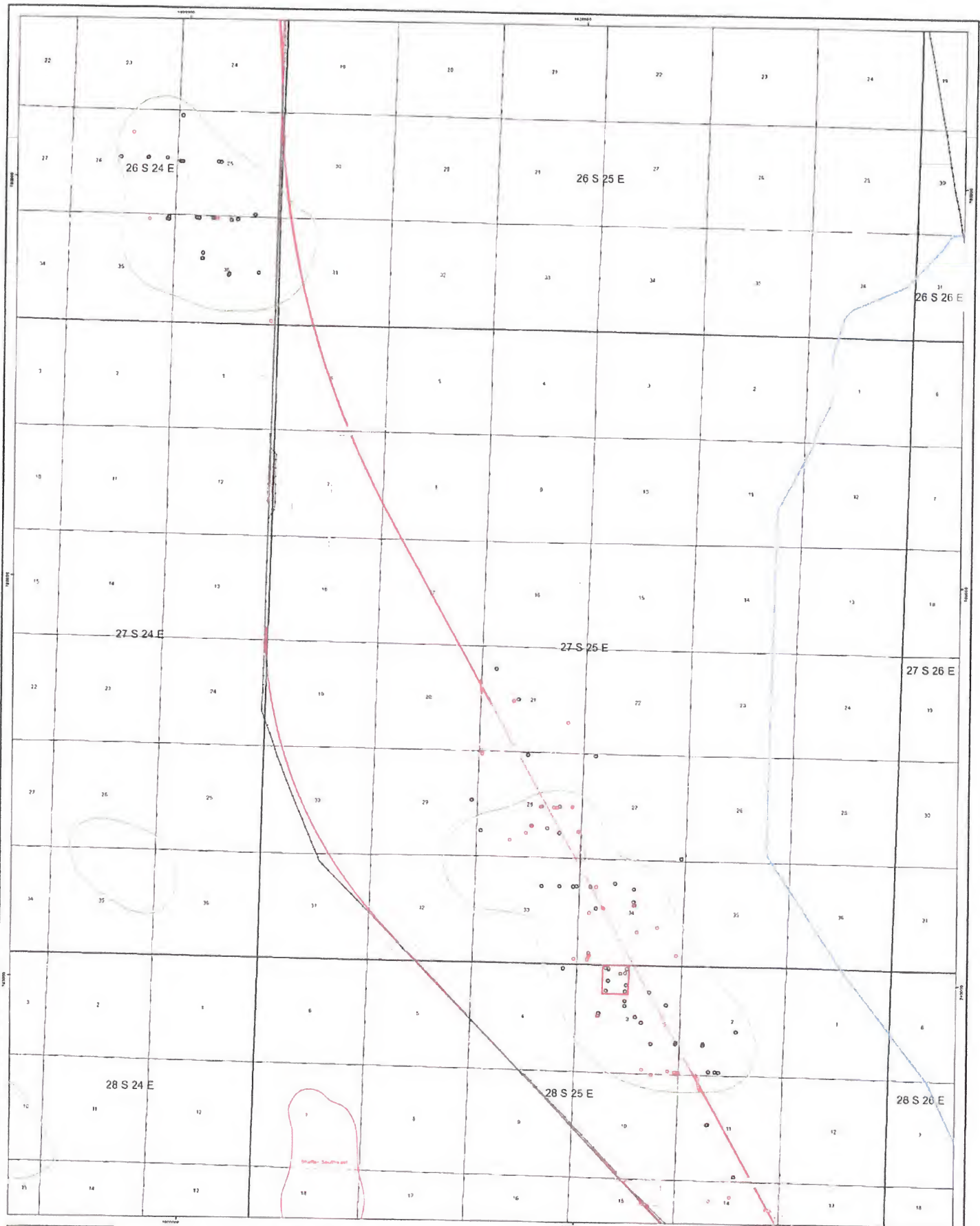


Alan E. White
President and General Manager

AEW/mth

Enclosure

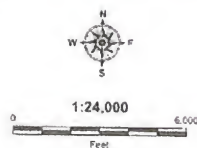
cc: Jeff Morales, Chief Executive Officer, California High Speed Rail Authority



- Legend**
- Wetlands
 - Wetlands of Special Interest
 - North Shafter Field Facility
 - DDGCR Administrative Boundary

- High Speed Rail Footprint Category**
- 157 Trunk
 - Right-of-Way
 - Construction Area
 - Heavy Maintenance Facility - Warehouse
 - Trucking/Parking/Storage
 - Transfer and Park Loop

Coordinate System
 NAD 1983 North American Datum of 1983
 Projection: Universal Transverse Mercator
 False Easting: 500,000 Meters
 Central Meridian: 119° 00' 00" W
 Standard Parallel: 34° 00' 00" N
 False Northing: 0 Meters
 Units: Meters
 Datum: North American 1983
 Unit: Meter
 Datum: North American 1983



DRAFT

VINTAGE PRODUCTION CALIFORNIA LLC

North Shafter and Rose Fields
 Kern County, California

High Speed Rail Corridors

October 11, 2011

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455 LINCOLN STREET
DELANO, CA 93215

LAKE ISABELLA OFFICE
7050 LAKE ISABELLA BLVD.
P.O. Box 3073
LAKE ISABELLA, CA 93240
PHONE (760) 949-2068



RDW/SECRET OFFICE
400 N. CHINA LAKE BLVD.
RICHMOND, CA 93555
PHONE (760) 384-5829

SHAFTER OFFICE
329 CENTRAL VALLEY HWY.
SHAFTER, CA 93263
PHONE (661) 746-7561

MICK GLEASON

SUPERVISOR - FIRST DISTRICT

March 7, 2013

Mr. Tom Richards, Vice Chairman
Board of Directors
California High Speed Rail Authority
855 M Street, Suite 1110
Fresno, CA 93721

Dear Mr. Richards,

I am writing you regarding the Shafter Wasco bypass alignment for the proposed Bakersfield to Fresno high speed rail. The bypass will have significant impacts on prime agriculture in my district. These impacts range from reduction in farmable acres to access and operational challenges on parcels cut through by the rail line. This will have not only an impact on the local economy but the state as well. As you are aware, agriculture is a critical economic industry in California. The Central Valley produces over 80% of US production crops.

I would ask that these impacts be recognized and that you choose an alignment that minimizes them. Please consider placing the rail within existing transportation corridors such as the existing BNSF.

Thank you for your attention to this request. Please do not hesitate to contact me should you have any questions or need further information. I may be reached at 661-868-3650.

Sincerely,

A handwritten signature in black ink, appearing to read "Mick Gleason", is written over a horizontal line.

Supervisor Mick Gleason
Kern County First District

Jeff Taylor submitted these comments to the High-Speed Rail Authority Board in Fresno on April 4, 2013.

Available funding including bond funds will not be sufficient to construct the project into Bakersfield. It is this Board's responsibility to inform taxpayers if available funds for construction of the segment will run out in a nut orchard north of Shafter or a dairy farm south of Fresno. As the project currently stands, the city of Bakersfield is not even a part of the Merced to Bakersfield corridor or usable segment for which construction funding exists. Additional funding for the project is uncertain and the possibility that funds may never materialize to complete the project into Bakersfield is very high.

The Kern County Board of Supervisors, the cities of Bakersfield, Wasco, Taft and other Kern County agencies oppose the project as planned because of the massive and unacceptable impacts the project will cause Kern County Industry, jobs, community infrastructure and tax revenues. In Bakersfield, environmental studies for alignment alternatives have only been completed for roughly half the city which puts at risk the portion of the project that has been studied.

The Prop-1A lawsuit is scheduled to be heard on May 31st and that litigation will thoroughly address whether or not bonds can legally be sold to fund the HSR project. It is irresponsible for Governor Brown to waste tax revenues in civil court proceedings against everyone in the world seeking validation for issuing and spending bonds for the HSR project when the matter is expected to be resolved in the May 31st Prop-1A litigation.

According to the Prop-1A bond measure, the Authority shall prepare and submit to the legislature and the Department of Finance a detailed funding plan for each corridor or usable segment proposed for

construction at least 90 days before funds will be appropriated for construction of that corridor or segment. However, the construction bids have not been released by the Authority and there is no detailed funding plan to complete the proposed corridor into Bakersfield.

Due to these circumstances, it is irresponsible for this Board to choose a preferred alignment for Bakersfield.

The Prop-1A litigation will seek to prove that it is unlawful to issue and spend bond funds for the High Speed Rail project because there are no private or public funding sources available and future funding sources of any kind are uncertain to say the least;

And because an updated funding plan has not and cannot be prepared because the construction bids are being kept secret by the Authority, so the amount of funds necessary to construct the corridor or usable segment into Bakersfield has not been established;

And because the Merced to Bakersfield segment will be conventional Amtrak rail and will not be suitable and ready for high-speed train operation;

And because the Merced to Bakersfield segment will have Amtrak trains running on it and Amtrak requires large subsidies for operation.

Considering these and other facts, it will be irresponsible for this Board to recommend issuing bonds for construction of the project at this time.

Respectfully Submitted,
Jeff Taylor



April 4, 2013

Dear Governor Brown and Vice Chair Schenk,

Good morning/Good afternoon. My name is Shelli Andranigian and I am addressing you directly today as a lifelong Californian who also shares your fondness for trains. In recent years, I have been able to rekindle this through many wonderful shared times with my young nephews at Travel Town, which for those not in the know here today, is a very cool train museum in Los Angeles.

Many of us who really like trains and who may or may not have voted for Prop 1A back in 2008 are not getting the train they wanted. Governor Brown and Vice Chair Schenk, you are not getting the train you wanted. Californians who voted by a very slim margin to buy that shiny new train they've always wanted and dreamed about since they were a child have been betrayed. I want for my nephews and for future generations a train that is the gold standard for all speed trains the world over! This one isn't it!

The current plan for this high-speed version is a tarnished one. I realize it didn't start out that way, but it is has been headed down the wrong track (pun intended) for awhile!

I have met many individuals in the proposed routes whose hopes and dreams for their families have been in a holding pattern the past few years, all while the California High-Speed Rail Authority continues to play games with people's lives and livelihoods by changing the true meaning of high-speed rail. They (Authority) continue to make up their own set of rules along the way!

As someone, who is also in a proposed route, this dark cloud has a silver lining only because I have met a wonderful group of individuals who are also adversely affected and have become a second family to me. They are moms and dads, sons and daughters, pastors, farmers, dairymen/women, those in construction, mechanics, doctors, teachers, veterans, retirees, homeowners, small business owners, concerned citizens,....who sincerely care about one another and not just themselves. They also hail from every political party! If there's one thing I've learned through this entire experience is that most issues are nonpartisan ones and those who label it otherwise are trying to divert attention to the real matters at hand!

Page 2

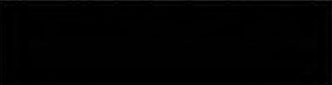
Governor Brown and Vice Chair Schenk I ask you both today to please strongly consider going back to the drawing board and develop a plan for the fastest, shiniest, latest in technology high-speed train that my young nephews and all future generations will be able to ride someday. One that we can afford to electrify the tracks and build in one fell swoop. One that we will not water down our strong environmental laws and pollute our air for decades to come in order to build. One that we can truly afford and not have to jeopardize the safety and well-being of those who live and work in this state. And one that not will destroy the fertile agricultural land that continues to feed us here locally, countywide, statewide, nationwide and the world over! I am proud to be a lifelong Californian and I want to be proud of having the best this state has to offer including a high-speed train someday, but not at this time because it is not what my fellow Californians voted for when they went to the polls in November 2008.

Thank you.

Sincerely,



Shelli Andranigian
on behalf of the Andranigian Family



cc: Fresno County Board of Supervisors, Fresno County Farm Bureau,
Kings County Board of Supervisors, Kings County Farm Bureau



Fresno, April 4, 2013

Comments of the Madera County Farm Bureau on Agenda Item 3

Mr. Chairman and Members of the Authority Board, my name is Anja Raudabaugh and I am the Executive Director of the Madera County Farm Bureau. I would like to thank the Board for having a meeting about the valley, in the valley. I would also like to say that the recent outreach effort and numerous meetings provided by your staff on the recent Chowchilla WYE alternatives discussion has been exemplary, and is appreciated by our Bureau.

I am repeating my opposition to the strategy proposed for the Chowchilla WYE that was stated at January's Board meeting. This strategy –to undertake environmental analysis for a Subsequent EIR to the Merced to Fresno EIR, is illegal. Like it or not, in the great state of California you can't use a "subsequent EIR" on an area where CEQA analysis has never been performed before –as is the case with the WYE. The Authority explicitly removed the WYE from analysis in 2011 and published the FEIR M-F section without it. To make matters worse in the eyes of the law, you've expanded the WYE box analysis further to the east and west, which is creating a whole new host of never-before-seen impacts to analyze. This is expressly illegal according to CEQA guidelines and the PRC (Under Pub. Resources Code section 21166, a lead agency can prepare an SEIR only when an EIR has already been prepared for the complete project). The Board need also recognize that since the Merced to Fresno EIR is in pending litigation, you cannot consider that EIR to be a valid EIR from which to subsequently layer to from.

When an environmental impact report has been prepared for a project pursuant to this division, no subsequent or supplemental environmental impact report shall be required

by the lead agency or by any responsible agency, unless one or more of the following events occurs:

(a) Substantial changes are proposed in the project which will require major revisions of the environmental impact report.

(b) Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report. (See also CEQA Guidelines, section 15162 [similar language re test].)

I am highly alarmed that this strategy has been devised to expedite the means the Authority has to proceed with construction as early as possible. I am highly alarmed that the use of a Subsequent EIR for the WYE is a means to skirt analysis and fast track the only public process available to stakeholders who wish to comment on the project.

When queried about this tactic –your staff appears to be really uncomfortable. Their response has consistently been to tell me that they are actually proceeding with the WYE as a SEPARATE EIR and NOT a subsequent EIR. If this is the case, fine –but then you need to label it as such and strictly adhere to the statutory timelines and standards of review for a standard EIR, making no attempts to rush, shorten, or silence any formal means of the public providing input. All I want is for my membership and the citizens of Madera County to have the same timelines for review and the same opportunity to participate in this project as you’ve afforded other major segments you’ve analyzed. If you say you’re going to do something –then do it, don’t hide the ball. If you disagree with my statement, then tell me WHY and HOW you intend to proceed –we are listening.

I have also presented this Board and Authority staff with an exhaustive study done in conjunction with the Bureau of Reclamation and the Department of Water Resources on subsidence, which is occurring at a rapid pace on the west sides of Madera and Merced Counties. I am not comfortable that staff at this time is taking this issue seriously or recognize the extreme vulnerability of the region to this issue. My members desire that this Board takes this issue under earnest consideration –because we do NOT want this project muddling our ability to receive, transfer, or reallocate water. As long as this fear remains and we are under the impression that you and Staff are not as well versed on it as the locals –we will continue to pressure your attention towards it.

My membership and the citizens of Madera County feel like the Board is pushing every legal boundary under CEQA; that there is a conscience and active attempt to undermine the public process CEQA requires during every step of the way. Your outreach has been increasing, as have your community meetings –which we appreciate. But on every public occasion during these meetings the content of the information delivered appears to be watered down, lacking finality and commitment, and continues to lead to more questions by concerned stakeholders. You need to fully disclose what is possible and what isn't –least it lead to false hopes for the future. Unfortunately the burden once again will fall on the public to prove you wrong and demonstrate –rather litigiously – that your CEQA tactics are illegal. Is this truly the legacy this Board wishes to leave in its wake?

2/19/13

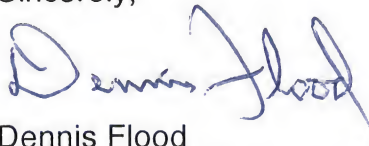
To whom it may concern,

We own property in Kings County on the proposed alignment of the High Speed Rail.

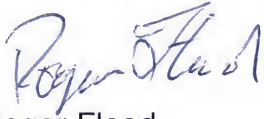
It would be beneficial to have the East alignment so that the 10,000 acre feet of fish water would be delivered to our area to recharge our aquifer. This will allow us to continue farming and growing food. *Since we were offered wetland mitigation on south bank of old Kings River.*

The West Alignment of the High Speed Rail would highly disrupt the planned development which is already in progress in Hanford. The city of Hanford's long range plan is to expand to the West to Lemoore. The West alignment would have a negative impact on this plan. Please give the East Alignment some serious consideration. As it would hurt the community and the farms in this area.

Sincerely,

A handwritten signature in blue ink that reads "Dennis Flood". The signature is fluid and cursive.

Dennis Flood

A handwritten signature in blue ink that reads "Roger Flood". The signature is fluid and cursive.

Roger Flood

A handwritten signature in blue ink that reads "Lisa Flood". The signature is fluid and cursive.

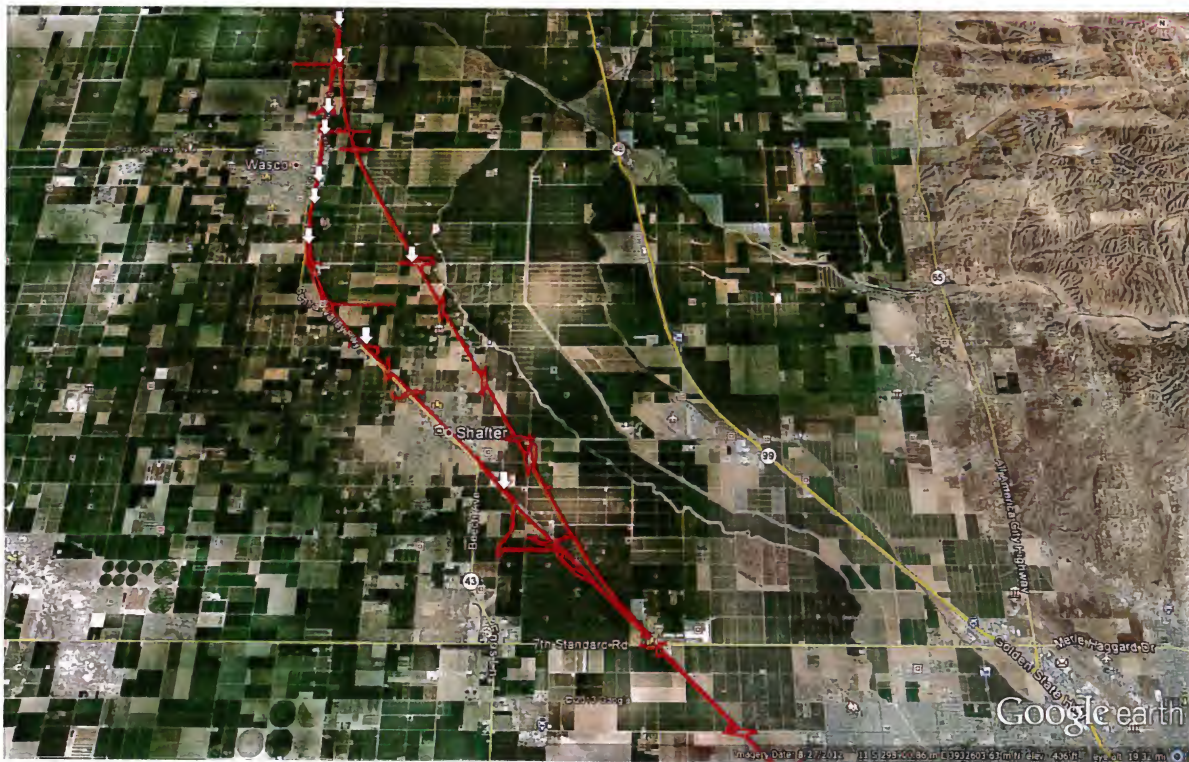
Lisa Flood



LIVE OAK ASSOCIATES, INC.

an Ecological Consulting Firm

REPRESENTATIVE HYDROLOGIC FEATURES ALONG THE BNSF & WASCO SHAFTER ALIGNMENTS

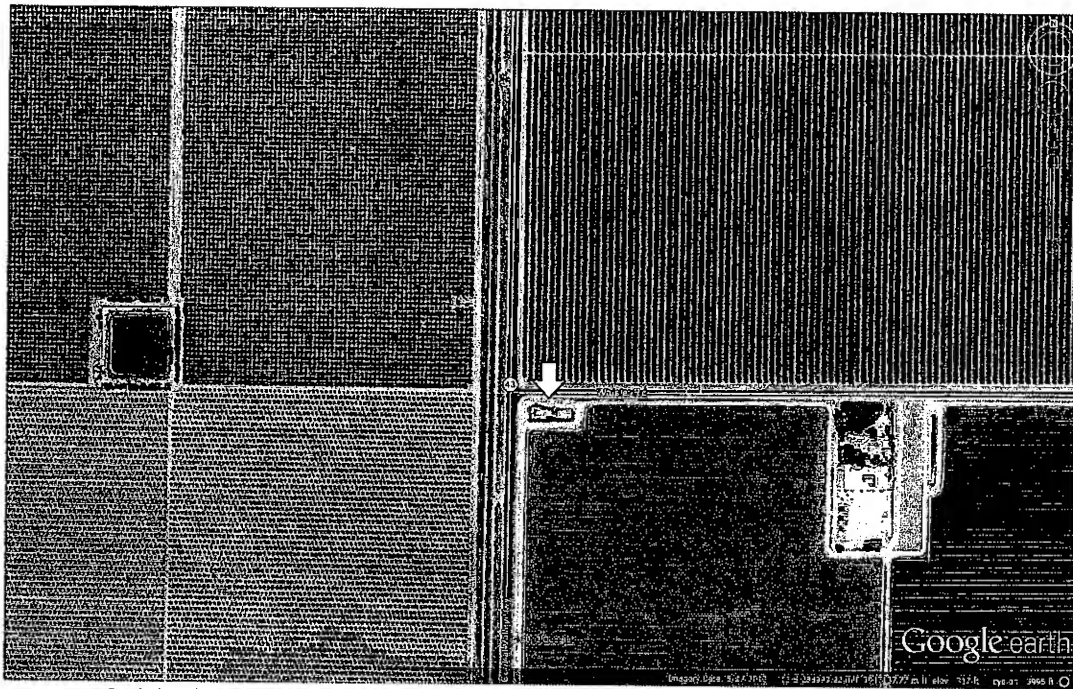


April 3, 2013

1701-02

Oakhurst: P.O. Box 2697 • 33930 Sierra Way, Suite B • Oakhurst, CA 93644 • Phone: (559) 642-4880 • (559) 642-4883
San Jose: 6840 Via Del Oro, Suite 220 • San Jose, CA 95119 • Phone: (408) 224-8300 • Fax: (408) 224-1411
Bakersfield: 8200 Stockdale Highway, M10-293 • Bakersfield, CA 93311 • (661) 889-2084

www.loainc.com



Photograph #1: Aerial photo of hydrologic feature 489AOW01 (reservoir).



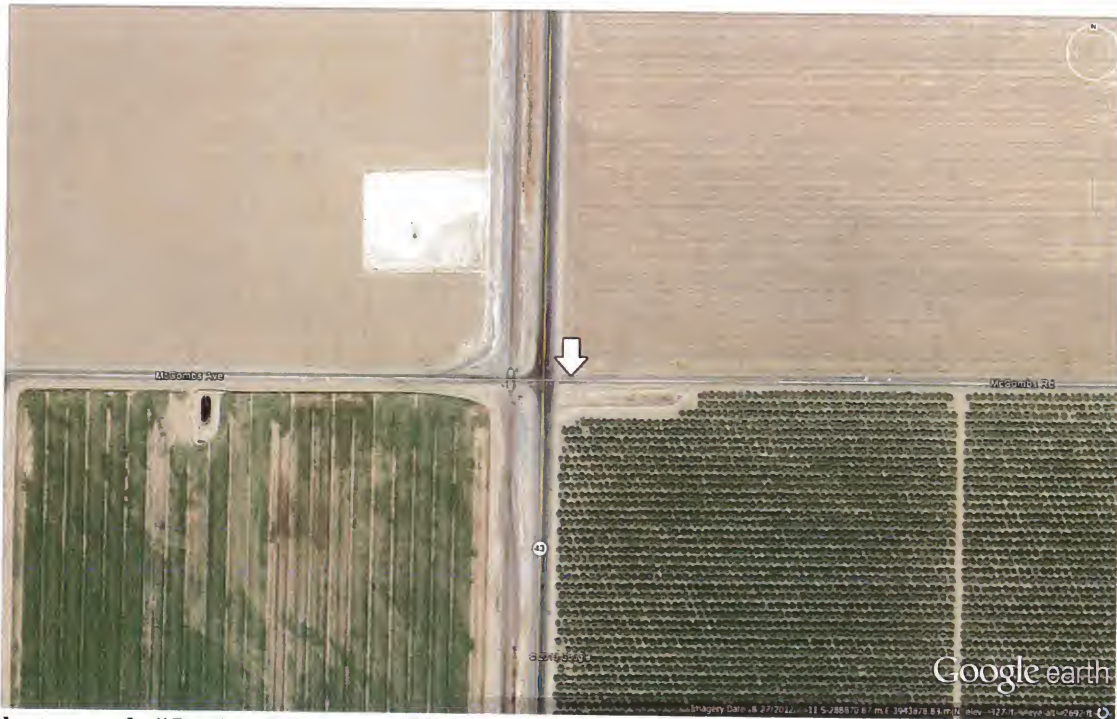
Photograph #2: Ground photo of hydrologic feature 489AOW01 (reservoir).



Photograph #3: Aerial photo of hydrologic feature 491AOW01 (canal).



Photograph #4: Ground photo of hydrologic feature 491AOW01 (canal).



Photograph #5: Aerial photo of hydrologic feature 495PIOW01 (reservoir).



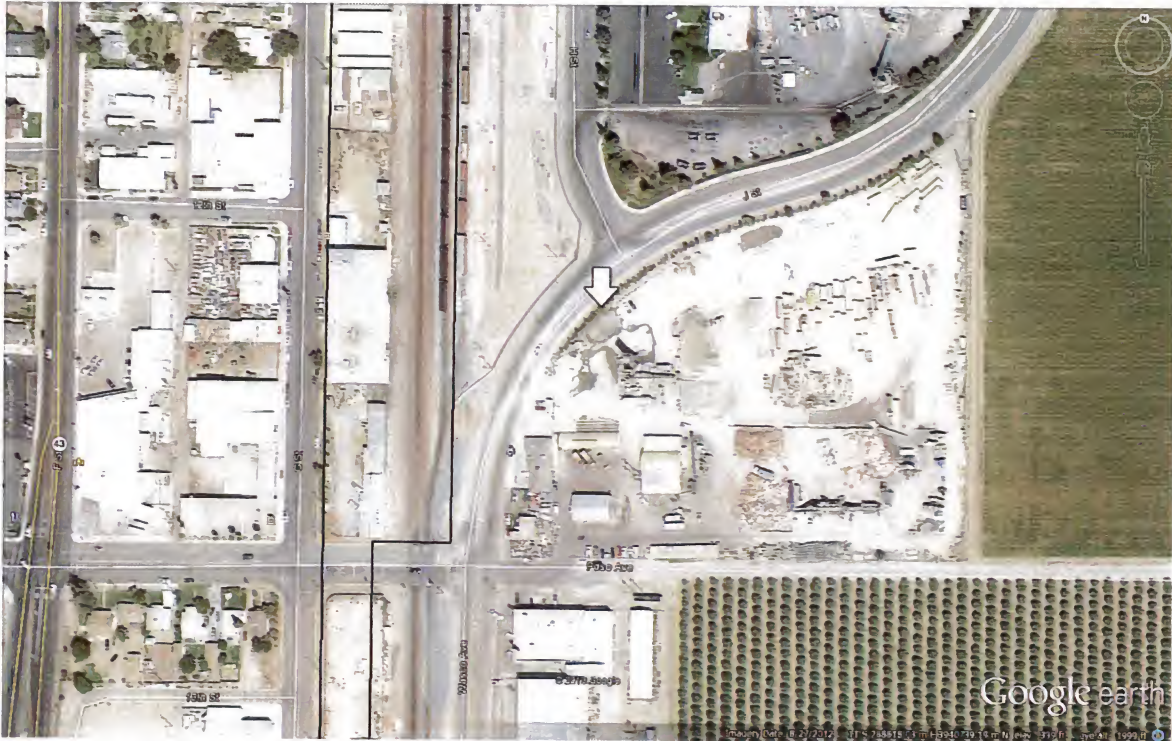
Photograph #6: Ground photo of hydrologic feature 495PIOW01 (reservoir).



Photograph #7: Aerial photo of hydrologic feature 498PIOW02 (Reservoir).



Photograph #8: Ground photo of hydrologic feature 498PIOW02 (Reservoir).



Photograph #9: Aerial photo of hydrologic feature BN168OW01 (Golden Empire Concrete settling pond).



Photograph #10: Ground photo of hydrologic feature BN168OW01 (Golden Empire Concrete settling pond).



Photograph #11: Aerial photo of hydrologic feature 516BOW01 (reservoir).



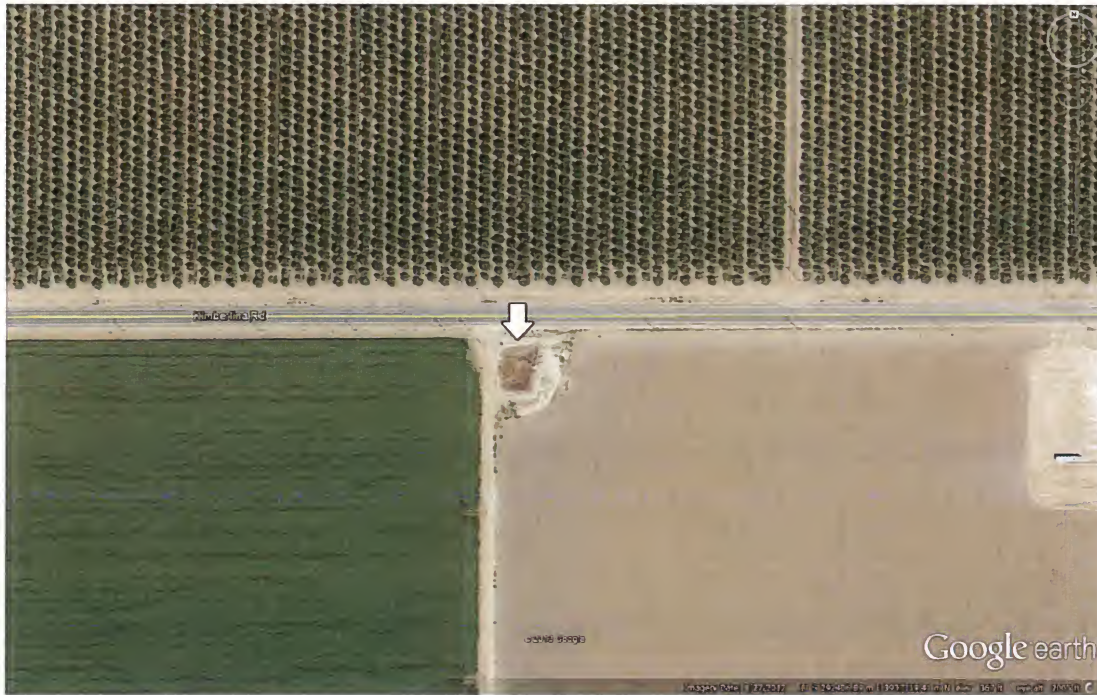
Photograph #12: Ground photo of hydrologic feature 516BOW01 (Reservoir).



Photograph #13: Aerial photo of hydrologic feature CCE133OW (although a reservoir is mapped at this location, the reservoir was removed in 2010).



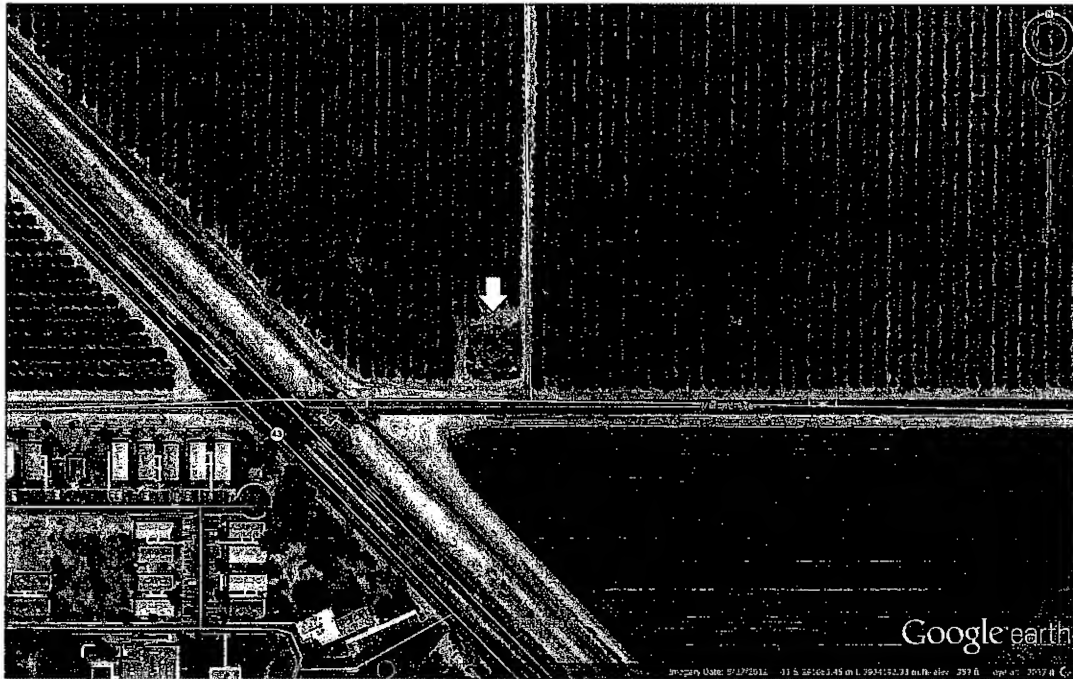
Photograph #14: Aerial photo of hydrologic feature CCE133OW (what was a reservoir in 2009 is now an orchard).



Photograph #15: Aerial photo of hydrologic feature 544DOW01 (Reservoir).



Photograph #16: Ground photo of hydrologic feature 544DOW01 (reservoir).



Photograph #17: Aerial photo of hydrologic feature 565AOW01 (reservoir).



Photograph #18: Ground photo of hydrologic feature 565AOW01 (reservoir).



Photograph #19: Aerial photo of hydrologic feature 622BOW02 (reservoir).



Photograph #20: Aerial photo of hydrologic feature 622BOW02 (Reservoir).

My Questions: #1. what is The cost per mile?
#2. How many miles will be electrified?

Russell Waymire

From: Russell Waymire [REDACTED]
Sent: Thursday, March 28, 2013 10:04 AM
To: Russell Waymire
Subject: 3 Current High Speed Rail News Articles pasted below for easy reference one on: High Speed Rail Lawsuit against Everyone Opposed to HSR....all opponents

Pasted Below are three major newspaper articles on High Speed Rail.....They are calling it the "Obama Great Train Robbery"

I do not agree with that definition, in my opinion the Correct Definition is: "The Obama-Jim Costa Greatest Tax Payer Train Robbery"

Pass the News.....

1st News Article:

San Jose Newspaper 3-28-2013 High Speed Rail Lawsuit against all opponents

The state of California has filed a civil case against everyone -- literally, the whole world -- seeking to validate \$8.6 billion in voter-approved bonds for its \$69 billion high-speed rail project.

The rail authority released a statement saying the attorney general's strategy, unveiled in Sacramento County Superior Court last week, "promotes judicial economy" by combining all potential lawsuits into one.

California's High-Speed Rail Authority sues everybody, invites you to argue case in court: San Jose Newspaper 3-28-2013 High Speed Rail Lawsuit against all opponents

By Mike Rosenberg
mrosenberg@mercurynews.com
mercurynews.com

Posted: 03/27/2013 03:39:33 PM PDT

what About
Impacts on Taxpayers?

SACRAMENTO -- If you're reading this, consider yourself served.

The state of California has filed a civil case against everyone -- literally, the whole world -- seeking to validate \$8.6 billion in voter-approved bonds for its \$69 billion high-speed rail project.

The lawsuit, titled "High-Speed Rail Authority v. All Persons Interested," is meant as a pre-emptive strike so the state can confirm that it's definitely legal to issue some of the bonds needed to begin bullet train construction this summer. By citing a somewhat obscure California civil code, the state can use the "sue now or forever hold your peace" strategy to prevent a string of future lawsuits and, instead, deal with the legal issues in one fell swoop.

Anyone interested in trying to block the project can sign up with the court, put their endless hours of "Law & Order" watching to use, wear their best suit and show up at a hearing to argue their case. They would join lawyers who are already suing the rail authority in other cases and go toe-to-toe with the state Attorney General's Office, which is representing the rail authority.

The state's biggest-ever project is also one of its most controversial, which has led the rail authority to swat away lawsuit after lawsuit since California voters approved the bullet train in November 2008.

"You might as well do it for the whole shebang," said Oakland-based attorney Stuart Flashman, one of the lawyers already suing the rail authority. He will join this new case, too, and expects at least a half-dozen people to join him.

"It says you've got the court's stamp of approval," he said. "Nobody can come back and say, 'You shouldn't issue these bonds.'"

Lawyers say this "validation" process, while not well known, isn't necessarily uncommon among public agencies that want to create a legal shield against future lawsuits to calm investors interested in their bonds.

The city of San Jose did it in 2009, for example, before issuing bonds to expand its convention center. Even then, that case ended up being tied up for a year because a gadfly signed up to challenge it, before the city won, said City Attorney Rick Doyle.

"You never know what you're going to get," he said. "You could get a crazy person filing something."

Riverside attorney Danielle Sakai, who has represented clients in several similar cases for the law firm Best Best & Krieger, said, "It could take years to work its way through the courts, but once that's done, it's done, and it can't be challenged."

It's still unclear whether the case could affect the construction schedule, as officials may be able to use federal funds first or roll the dice and spend the bonds before the judge makes a ruling.

The rail authority released a statement saying the attorney general's strategy, unveiled in Sacramento County Superior Court last week, "promotes judicial economy" by combining all potential lawsuits into one. It should also provide certainty in the bond marketplace, giving the state a better chance to find investors with low interest rates, a key concern for taxpayers who say the project is too expensive.

They noted that lawsuits related to environmental law, which has been another popular legal avenue for opponents to sue to block the bullet train, would not be affected.

(At this point, we should mention that only public agencies can use this legal strategy, so you can't quietly file a lawsuit against the world, hoping to be named the next 49ers quarterback or CEO of Apple. Sorry.)

A "summons" for people interested in joining the lawsuit will be published once a week for three weeks in five major newspapers (unfortunately, not including this one) around the state. The summons will provide a detailed description of the bonds in question and directions for joining the suit.

It's not clear when the hearing on this new case would be. And there are differing opinions about whether it will affect a Bay Area-based lawsuit dating back to 2011 that is trying to block the bond sales. That case, which could be decided at a May 31 hearing, is being led by Flashman and Redwood City attorney Mike Brady and features star witness Quentin Kopp, the "grandfather" and former chair of the bullet train project who has since turned against the plan.

Opponents argue that since voters approved the bonds in 2008, the project cost has grown, the scope of future service has shrunk, construction has been delayed, and projections say there will be fewer riders -- making the original bond measure invalid. Contact Mike Rosenberg at 408-920-5705. Follow him at twitter.com/RosenbergMerc.

2nd News Article:

The Obama-Jim Costa Tax Payer Great Train Robbery."

Examiner Editorial: Obama's great high-speed train robbery

The state of California, already \$28 billion in debt, is supposed to begin construction of a \$68 billion high-speed rail project in July. The state's High-Speed Rail Authority voted last week to issue \$8.6 billion in taxpayer-approved bonds to build the first 130 miles of track between Fresno and Bakersfield.

But a slew of lawsuits threatens to delay the project, and state authorities still have not purchased a single acre of land on which to build the rail line. Now one of the project's original supporters, the co-author of the ballot initiative that launched it, has joined an effort by Central Valley farmers to stop the train dead in its tracks.

"They have just mangled this project," former legislator and high-speed rail backer Quentin Kopp recently told the Los Angeles Times. "They distorted it. We don't get a high-speed rail system. It is the great train robbery."

It was originally sold to voters as a \$40 billion project that would transport passengers between San Francisco and Los Angeles in 2 hours, 40 minutes. After its approval, authorities upped the price tag to \$100 billion. After public outrage over the escalating costs, the High-Speed Rail Authority scaled back its ambitions, resulting in the current \$68 billion price tag.

But in the process of cutting costs, Kopp notes, the authority failed to honor the requirements set out in the original voter referendum. Specifically, because the high-speed trains will now share track with commuter trains in urban areas, the project will not be able to transport people across the state in less than three hours.

The original ballot measure also stipulated that each project segment must be large enough to be a "usable segment" for passenger rail so that taxpayers would not get stuck paying for a high-speed train to nowhere. Kopp says the current Fresno-to-Bakersfield plan does not meet that test.

Unfortunately, California taxpayers are not the only victims of this train robbery. President Obama's failed economic stimulus also included \$12 billion in high-speed rail funds, \$3.2 billion of which ended up in California. And the rest of the money isn't being spent much more efficiently.

In the Pacific Northwest, for example, \$800 million in taxpayer funds was spent upgrading the Amtrak line between Seattle and Portland, Ore. That comes to nearly

\$1,000 per annual passenger. But don't expect a much quicker ride. Washington state only shaved 10 minutes off of what had been a 3-hour, 40-minute trip.

Asked whether he was disappointed at the failure to build a single high-speed rail line anywhere in America, Transportation Secretary Ray LaHood tried to reassure CNN's Drew Griffin by reminding him how much money the government has spent on it. "In four years," he said, "we've invested \$12 billion."

When Griffin refused to settle for this dubious measure of success, LaHood argued that the \$12 billion (which is more than three times Amtrak's annual budget) had improved Amtrak's on-time service record. He added, "I think people like the investments we're making. There's so much enthusiasm in America for high-speed rail."

But California now has the only remaining high-speed project on the table. You can judge for yourself how much enthusiasm remains.

3rd News Article

2008 HSR Bond Cost Promise 33 Billion for 800 Miles = 41 Million per mile... Guaranteed Electrified Trains

2011 New Cost 99 Billion for 800 Miles = 124 Million per mile... Maybe Electrified Trains

2012 New Cost 68-79 Billion for 520 miles = 152 Million per mile for diesel trains NOT Electrified...

High-speed rail plan has sped away from oversight

By: Melissa Griffin, SF Examiner, San Francisco Examiner News Article 3-24-2013

Once construction begins on the California high-speed rail project it will be hard to pull the plug.

The Public Policy Institute of California released a poll Wednesday showing that likely voters are opposed to spending \$68 billion on high-speed rail by a margin of 54 to 43 percent. And who could blame them? They voted in 2008 to endorse a \$42.6 billion plan that would require \$9.95 billion in state bonds and the rest from the federal government and private funding.

Then in 2011, the High-Speed Rail Authority's draft business plan reflected a \$98 billion project. A revised plan in 2012 ratcheted that number back down to a budget of

between \$68 billion and \$79 billion. But let's face it: there's not a person in California who believes this monster will stay on budget.

Ten years ago, the authors of "Megaprojects and Risk: An Anatomy of Ambition" examined more than 200 projects and concluded that the costs for large-scale public transit projects usually result in cost overruns of 50 percent and that revenue routinely falls short by 20 percent to 70 percent. The forces behind such wild projections are the contractors, builders and consultants who stand to gain from the construction and are unchecked by policymakers with no real means to verify overly optimistic ridership models or stop construction once it has begun.

Fewer than half of likely California voters support the state's proposed high-speed rail project at its current price tag, according to a poll released Wednesday. In 2008, 52 percent of voters backed a \$9.95 billion bond measure for the high-speed rail network. However, the projected cost of the plan has gone from \$34 billion to \$68 billion since then.

Here in California, construction on high-speed rail is about to begin. Once the shovels are in the ground and the trucks are full of materials, it will be near impossible to pull the plug; the segment being built first is in the middle of the state and not an urban area where a small segment of track could be repurposed for local travel if the larger project is abbreviated.

So eager are supporters to get the project going that on March 13, Democrats on the Joint Legislative Audit Committee rejected a request by state Sen. Diane Harkey, R-Dana Point, for an audit of the initial 29-mile segment between Madera and Fresno known as Construction Package One.

According to Harkey, construction of the segment will cost \$1.1 million per day, which more than warrants the \$295,000 price tag for an audit. Some of the items that audit would have looked at are: whether contractors are complying with applicable laws, whether there is duplication of effort, and how the authority plans to acquire the necessary 356 parcels of land, much of it productive farmland.

Democrats on the committee claimed that the time has come to get ball rolling on the project and pointed to the fact that two audits of the authority have already been conducted, though neither was of the construction phase.

The 2010 audit concluded that there was "inadequate planning, weak oversight, and lax contract management."

The 2012 audit concluded that the, "authority's weak oversight persists."

That the prior two audits revealed serious issues makes an additional audit more appealing, not less. While construction labor unions and other special interest groups

will never let high-speed rail be on the ballot for reconsideration, at least proponents can acknowledge the public's skepticism.

As Harkey insisted: "I'm not killing anything. I'm asking for oversight."

Kern County / San Joaquin Valley Public Contracting & Forum (Jobs & Contracts)

KMCA - Local Bakersfield Coalition

Friday, April 19, 2013 from 8:00 AM to 5:00 PM (PDT)

April 19, 2013 - Friday

Morning Session

Time: 8 AM - 1:30 PM

Location: 2000 K Street, Bakersfield - Room # 101

Larry E. Reider Center

Prime Contractors & Sub Contractors

> **"Meet & Greet"**

Networking Opportunity

Time: 8 AM

Remark

- Kern Supporter for High Speed Rail
- Downtown Bakersfield Business Association
- Greater Bakersfield Chamber of Commerce - Invited
- Kern County EDC - Invited
- Kern Cog - Invited
- City of Bakersfield - Invited
- Kern County Board Supervisor - Invited

Time: 9 AM

> **Recognition & Award**

Local Advocate

California for High Speed Rail

Champion High Speed Rail Rail Award

- **Fran Florez**, Shafter City Council Member

High Speed Rail Small & DBE Business Champion

Speaker:

Thomas Richards, Vice-Chairperson - Invited

California High Speed Rail Authority

> **California for High Speed Rail - Panel**

Economic Benefit: Building High Speed Rail Bakersfield & to Palmdale

Speakers:

- **James C. Ledford Jr.**, Mayor of Palmdale

- **Dave Cross**, Kern County A.I.A

- **Evelyn Young**, California State University, Bakersfield

- **Daniel Krause**, California For High Speed Rail

Time: 10 AM



336 Pacific Avenue • Shafter, California 93263

April 3, 2013

Jeff Morales, CEO
California High Speed Rail Authority
770 L Street, Suite 800
Sacramento, CA 95814

Diana Gomez
Central Valley Regional Director
California High Speed Rail Authority
2550 Mariposa Mall, Suite 3015
Fresno, CA 93721

RE: Shafter-Wasco Bypass vs. BNSF Alignment

Dear Board Members,

On behalf of the Shafter City Council, I wish to convey their preference for the BNSF alignment versus the Bypass alignment as detailed in the accompanying Resolution 2259, adopted February 19, 2013.

Sincerely,

John D. Guinn
City Manager
City of Shafter

RESOLUTION NO. 2259

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHAFTER IN
SUPPORT OF THE "BNSF" HIGH SPEED RAIL ALIGNMENT VS THE "BYPASS"
ALIGNMENT**

WHEREAS, The City of Shafter receives no tangible benefit from the High Speed Rail ("HSR"), the City Council has studied the proposed alignments with the goal of supporting the option causing the least immediate and long-term negative impact to the community; and

WHEREAS, the City Council of the City of Shafter supports the HSR alignment adjacent to the BNSF Railroad line; and

WHEREAS, the agricultural, commercial and residential properties affected by a bypass alignment of the HSR would cause significantly greater disruption and economic harm to the community than the BNSF alignment; and

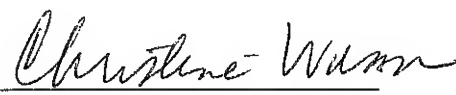
NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Shafter does hereby resolve, find, declare, determine, and order as follows:

1. That all of the facts in the recitals set forth above are hereby found to be true.
2. That the City Council and community of Shafter has a vested interest in the specific location of the High Speed Rail alignment.
3. The HSR should mitigate impacts to the community, including cooperative efforts to address sound issues.
4. Because the BNSF and HSR trains will further inhibit pedestrian and vehicle traffic across their respective rights-of-way, the HSR should also build grade separations to facilitate easier access for residents and public safety resources.
5. The City Council hereby supports location of the HSR alignment along the BNSF tracks vs the proposed Bypass route to the east.

PASSED, APPROVED AND ADOPTED ON THIS 19th DAY OF FEBERUARY 2013.


Jon Johnston, Mayor

ATTEST


Christine Wilson, City Clerk

CERTIFICATE OF GOVERNING BODY'S ACTION


STATE OF CALIFORNIA)
) ss.
COUNTY OF KERN)

I, Christine Wilson, City Clerk of the City of Shafter, California, DO HEREBY CERTIFY that the above Resolution 2259, a Resolution of the City Council of the City of Shafter, was duly passed and adopted at a Regular Meeting held on the 19th day of February, 2013, by the following vote:

AYES: Alvarado, Colvard, Florez, Johnston, and Prout.
NOES: None.
ABSENT: None.
ABSTAINING: None.

DATED: February 20, 2013

(SEAL)



City Clerk of the City of Shafter

From: john broeske [REDACTED]
Sent: Wednesday, April 03, 2013 8:26 PM
To: Denis Prosper; Russ Waymire; Kole Upton; Jim Verboon
Subject: fresno bee/hsr meeting

Rail board visits Fresno for route discussions

By Tim Sheehant - The Fresno Bee

Wednesday, Apr. 03, 2013 | 05:38 PM

Engineers' recommendations for high-speed train routes around Chowchilla and Hanford will be presented Thursday when the California High-Speed Rail Authority's board meets in Fresno.

The authority will also consider amending two major contracts with consultants for work in the San Joaquin Valley, increasing its consulting budget by more than \$47 million. What was once a convoluted "spaghetti bowl" of 14 alternatives for the Chowchilla Wye -- a Y-shaped junction in Madera County connecting the north-south Merced-to-Fresno section of the statewide rail system with an east-west line from the Bay Area -- has now been reduced to only four. Three of the routes generally follow Highway 152, the east-west state highway between Chowchilla and Los Banos, and the fourth follows Avenue 21, about two miles farther south.

For the Fresno-Bakersfield section of the rail line, planners are recommending a route that loosely follows the BNSF Railway freight line now shared by Amtrak's San Joaquin passenger trains. The proposed route, however, would diverge from the BNSF line with tracks built below ground level in the Hanford area, bypassing the city on its western edge. The recommendation includes a passenger station between Hanford and Armona.

Farther south, the proposed route includes bypasses to carry high-speed trains around, rather than through, the communities of Corcoran, Allensworth, Wasco and Shafter before entering Bakersfield from the west. The recommendation was crafted from among more than 70 potential combinations of alternatives, including options for running tracks through each of the communities or on elevated tracks.

No formal vote is expected on either presentation. The options being considered for the Chowchilla Wye will be evaluated for their effects on farmland, residents, businesses and wildlife habitat in a report that will augment the environmental impact report approved in May 2012 for the Merced-Fresno section of the rail project.

The recommended Fresno-Bakersfield route, with its various bypasses, will go through more study before the rail board is asked next month to include it in a final environmental impact report that is being prepared for adoption later this year.

The meeting begins at 10 a.m. at Fresno City Hall and is open to the public. The board's meetings are usually held in Sacramento, but this one was relocated to Fresno because most of the agenda focuses on issues in the San Joaquin Valley. This will be the first full meeting for new board member Katherine Perez-Estolano of Pasadena,

who was appointed by Gov. Jerry Brown last week. Several board members will be attending the meeting via teleconference from sites in San Francisco and Sacramento. Also on the board's agenda are amendments to contracts with consultants working on plans for various portions of the statewide rail project. One would increase the budget for a contract with Parsons Transportation Group from \$55 million to more than \$64 million. The increase covers additional work by the company on analyzing the options for the Chowchilla Wye, preparing a supplemental environmental report for the region and other factors.

An architectural and engineering contract with a team of consultants working on the Fresno-Bakersfield and Bakersfield-Palmdale sections of the rail project was due to expire in June. The authority proposes to extend the contract for two years and increase the budget from almost \$120 million to more than \$158 million. The extension and increases cover work on the final EIR for the Fresno-Bakersfield segment, preliminary engineering work on construction sections between Fresno and Bakersfield, and securing permits and developing ways to minimize effects of the rail line between Fresno and Bakersfield.

If you go

What: California High-Speed Rail Authority board meeting

When: 10 a.m. Thursday

Where: Fresno City Hall Council Chamber, 2600 Fresno Street, Fresno.

Teleconference sites will be at Sacramento City Hall in Sacramento and at the State of California building in San Francisco.

Webcast: Watch a live webcast of the meeting [here](#).



COUNTY OF KINGS BOARD OF SUPERVISORS

KINGS COUNTY GOVERNMENT CENTER
1400 W. LACEY BOULEVARD, HANFORD, CA 93230
(559) 582-3211, EXT. 2362, FAX: (559) 585-8047
Web Site: <http://www.countyofkings.com>

JOE NEVES - DISTRICT 1
LEMOORE & STRATFORD

RICHARD VALLE - DISTRICT 2
AVENAL, CORCORAN, HOME GARDEN &
KETTLEMAN CITY

DOUG VERBOON - DISTRICT 3
NORTH HANFORD, ISLAND DISTRICT &
NORTH LEMOORE

TONY BARBA - DISTRICT 4
ARMONA & HANFORD

RICHARD FAGUNDES - DISTRICT 5
HANFORD & BURRIS PARK

April 2, 2013

Dan Richards, Chairman
c/o Lisa Toof
California High-Speed Rail
770 L Street, Suite 800
Sacramento, CA 95814

Re: Your March 7, 2013 Correspondence to Me

Dear Chairman Richards,

I received your 4-page treatise which continues the Authority's two-year plus argument that it is not lawfully required to coordinate it's 30 miles of high speed rail project through Kings County. It's lack of substance is disappointing and counterproductive, yet expected. Respectfully, it completely misses the point: Kings County has been left out of the planning of this statewide project. Your letter simply summarizes political posturing and magnifies false commitment. It is akin to *all hat and no cattle*. Even so, your unmet commitments and our concerns remain noted but unresolved. Among them are:

- Project triggered non-compliance with AB 32 – State Greenhouse Gas Reduction requirements which the County's General Plan is designed to comply with and the Authority's project will disrupt;
- Foreseeable Pesticide Drift – Need for information and solid analysis which dispels the fear of pesticide drift and its impact on this primarily ag-based economy;
- Outstanding Ag Issues: "Loss of agricultural land and production; impact to our dairy industry; the repermitting of impacted dairies; loss and relocation of agricultural residences; ...impacts to agricultural supporting industries... (--Greg Gatzka, Community Development Director, 4/3/2012, P27, L5-P28, L1.). The County informed you that the BNSF East variation will critically impact 11 dairies (Id. at P31, L18-P32, L22) and that the project will impact approximately 11,467 acres (Id. at P33, L10);
- Circulation Issues: "...a critical piece of information that we need to know [is] where the associated structures, overpasses,..." are located and how the Authority is going to accommodate over Highway 198. "...how the rail alignment arterials are going to be rerouted. Those are critical pieces to know how does this fit within our community." (Id. at P33, L12-16.) How will farm equipment get across overpasses, particularly during the dense fog season? (Id. at P35, L16-24.;

Dan Richards, Chairman
c/o Lisa Toof
California High-Speed Rail
April 2, 2013
Page Two

- Implications of AB 1779 and the Authority's Claim that Amtrak's Use of the Central Valley ICS – even if Segment 1 and 2 are never completed – will provide “independent utility” for ARRA purposes. The impacts of such a notion, or the possibility of simultaneous Amtrak and High Speed Rail through Kings County, remain inadequately analyzed, addressed and unresolved.

The above are only a small representation of the critical issues that remain unaddressed. A few documented quotes from transcripts of our few meetings may help to jog your memory:

“One of the things that I do understand is that in May of last year you sent us a letter that embraced 61 specific questions,... from your first responders and public safety personnel, your Public Works personnel, and other people who are responsible in your government in Kings County. It is with great chagrin that I say to you something you already know, which is that those questions were never responded to by the High Speed Rail Authority. So let's just get that out right here. That certainly was not a proper way in which we needed to interact...” (--Dan Richard, 4/3/2012, P17, L13, P18, L1.)

“And certainly that document [CEQA/NEPA Environmental Document] will, and it must by law, address both consistencies and inconsistencies with your General Plan.” (--Dan Richard, 4/3/2012, P19, L 14-17.)

“I intend to spend a considerable amount of time in the valley in general, and I will spend time that needs to be spent here in Kings County.” (--Dan Richard, 4/3/2012, P25, L11-13.)

“...this is the time over the next couple of months where we can really limit the number of issues that your staff would have to dig through in the Draft EIR/EIS document because we would try to be working as many of them as we could in advance... I don't want to give you happy talk... [B]ut I think that we should at least roll up our sleeves and try to see how far we can get, and – and we will.” (--Dan Richard, 4/3/2012, P39, L3-L12.)

“... we will commit to devote all the time that our staff has available to ensure that we do everything we can do to catch up for these months that we have not communicated.” (--Dan Richard, 4/3/2012, P48, L8-12.)

Regarding dairy re-permitting: “I would like to just say a word for a moment about the dairies and... re-permitting... . This was something that I, as a resident of the Bay area who just opens up cartons of milk, never had any idea, which is the difficulty that dairies have had in maintaining their operations in dealing with waste pond issues and so forth. And so I want to be very careful how I say this, but “I've already raised this issue inside the... Brown Administration

Dan Richards, Chairman
c/o Lisa Toof
California High-Speed Rail
April 2, 2013
Page Three

that we should not just be working as the High Speed Rail Authority with Kings County on this, but we should be working as the State of California with Kings County on this... Because if... we believe it's a strategic asset for the people..., then the State should find some ways to make sure that it mitigates impacts on dairies. ...And so this is an area that I would certainly pledge within the administration to try to pull together a group, and I know in a lot of environmental permitting agencies and so forth, and I'm sure that they're going to have their own views, but it's my view that one of the things we can do here in Kings County is to really to address this question. ...First we need to determine how we can find an alignment that minimizes impacts on dairies. Second, if there are issues that involve the repermitting of dairies, I think it ought to be something that the State takes on as a responsibility and not just leave it to your staff in Kings County to figure out a way to try to help make that happen. So that is one thing that I take back to Sacramento with me from this... .(--Dan Richard, 4/3/2012, P41, L8-P42, L20.)

Regarding Dairy Repermitting and Amtrak Concerns: "I also want to report on two other things since we last met that are of great concern to this county. The issue of the dairy repermitting,... and... the ongoing vitality of Amtrak service." You then explain all the people you met with on these subjects and indicate: "It's my hope that **within the next couple of weeks** I can come back with a more specific process, but I actually have had those conversations about organizing a sort of a task force, for want of a better word, that could work with the County to -- to really start to get into those issues and detail. Similarly, I've met with, spoken with the Acting Secretary of Business, Transportation and Housing... What I'm going to propose here is that... we convene a meeting with Kern, with Kings County, with CalTrans, with High Speed Rail, to specifically start to lay out what some options would be for the future preservation of that service if we do end up putting a high speed rail into -- into operation here. ...So again, those two things I would hope are going to happen within the next couple of weeks, that we kick off some type of regulatory task force and that we convene some meeting on the future of the Amtrak services..." (---Dan Richard 6/12/12, P32, L10-P.34, L10.) **OF IMPORTANT NOTE: WE NEVER HEARD FROM YOU AGAIN ON THESE ISSUES.** No task force, no meeting among transportation interests, no communication whatsoever.

Regarding unanswered issues: "...we'll go back and redouble our efforts..." (---Dan Richard, 6/12/12, P51, L23.) We have not heard from you again except to state that you cannot meet.

Among the perplexities caused by your most recent communication and the Authority's longstanding treatment of Kings County is that Kings County has attempted unfailingly to gain project information, solutions and accountability so that this Project will not unfairly burden the communities and economy of Kings County. The County has provided mounds of paperwork containing substantive facts, concerns and reservations and requesting accountability and compliance with both federal and state law. These attempts include correspondence to:

Dan Richards, Chairman
c/o Lisa Toof
California High-Speed Rail
April 2, 2013
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- The California High Speed Rail Authority,
- The Governor,
- The Federal Railroad Administration,
- The federal Environmental Protection Agency,
- The Council on Environmental Quality,
- The Federal Surface Transportation Board,
- And others....

It should be obvious that Kings County:

- Cares,
- Wants to be included,
- Wants equal treatment afforded to other concerned and supportive local agencies,
- Requires nothing less than the project the People voted for and were promised (Prop. 1A).

The County's interaction with you can be summed up as follows: you acknowledging your predecessor's failures; you promising to get us answers; you committing to address and work with the County on a number of issues outlined above. The result: generalized, incomplete or inaccurate answers to very specific questions, a deficient R-EIR/S-EIS that fails to address critical issues, and in lieu of the promised follow-up, a message that you can no longer meet.

Although the Authority may stand hard on the position that it is not lawfully required to coordinate the security, damages, planning impacts, and environmental consequences of the project, if a successful, quality, efficient, national model is the Authority's objective, coordination is an elementary component supported by a host of California and Federal laws:

- The California Environmental Quality Act;
- The National Environmental Policy Act;
- The Authority's Merced-Fresno November 2009 *Agency Coordination Plan* which describes an overarching federal transportation law that cites a "critical need to engage and coordinate" public agencies in order to promote "an efficient, streamlined process, as well as good project management through coordination, scheduling, and early resolution of issues." (See Section 6002 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act (SAFETEA-LU) at 23 USC section 139; See also Agency Coordination Plan page 1). Of important note: Kings County was completely overlooked in the Authority's 2009 Plan – it is not even listed among the local agencies, even though all its neighboring public agencies to the north are included. This is exactly representative of the historical and ongoing disregard afforded Kings County;

Dan Richards, Chairman
c/o Lisa Toof
California High-Speed Rail
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- The Federal Land Policy Management Act of 1976 and every natural resource management statute since has mandated a five point planning process that includes coordination;
- The Federal Aid Highway Act of 1962 requires transportation planning to be “continuing, comprehensive, and cooperative”;
- The Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991 mandates the Secretary of Transportation “shall lead and coordinate federal efforts in the research and development of high-speed ground transportation” (*See* 43 USC 1712);
- ISTEA also speaks to early transportation corridor planning to which former Federal Transportation Administrator Jennifer L. Dorn testified “there is nothing more important in good transit investments than to have a good plan, [and] to have that coordinated at the local level...”;
- Cooperative conservation and local participation is required by Executive Order 133352;
- The Passenger Rail Investment and Improvement Act of 2008 (H.R. 6003 amending USC Title 49) from which the Authority received American Reinvestment and Recovery Act funding toward the project, requires transparency and coordination in the preparation of state rail plans and its projects. Specifically, Section 22504 indicates: “(b) Intergovernmental Coordination – A State shall review the freight and passenger rail service activities and initiatives by regional planning agencies, regional transportation authorities, and municipalities within the State ... while preparing the plan, and shall include any recommendations made by such agencies, authorities, and municipalities as deemed appropriate by the State”;
- The California Land Conservation (“Williamson Act”) of 1965 also requires coordination of the project among the local agency/contract administrator, the Department of Conservation, and the project proponent;
- Even the Authority’s former Chairman Pringle speaks to the need for “close coordination” of the project and the need for “a cooperative planning process”, and “working in partnership ...” in his March 25, 2010 correspondence to the Los Angeles County Metropolitan Transportation and Orange County Transportation Authority.

The law, both federal and state, support and require the elementary step of coordination of major projects with the various levels of government and its agencies. We are asking for nothing less. Your non-substantive, counterproductive correspondence is offensive and patronizing. We sincerely urge the Authority to re-think its approach and thoughtfully consider the People for which they work and the Project the People were promised. A year ago almost to the day, you sent an e-mail to the Kings County Administrative Officer and County Counsel indicating: “My colleague, Tom Richards, and I began the process today of assembling a team to enhance the level of staff interaction to address the issues raised by the County. We look forward to an effective level of communication... . Thanks very much. Dan”. Your word

Dan Richards, Chairman
c/o Lisa Toof
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should be reason enough to carry through. Remember, even if you are not willing to meet, and we do not trust meetings with staff outside the coordination process, you most certainly could apprise Kings County of emerging project details that may impact it through simple correspondence. Please stop telling us what we are not entitled to and start substantively addressing the important issues raised.

Sincerely,

A handwritten signature in black ink, appearing to read "Doug Verboon", written over the word "Sincerely,".

DOUG VERBOON, Chairperson
Kings County Board of Supervisors

cc: Jeff Morales, Chief Executive Officer, California High Speed Rail Authority
Tom Richards, Vice-Chairman, California High Speed Rail Authority
Diana Gomez, Central Valley Regional Director, California High Speed Rail Authority
DeAnn Baker, Director of Legislative Affairs, California State Association of Counties
Rudy Salas, District 32, California State Assembly Member



**Kern Council
of Governments**

March 20, 2013

Mr. Jeff Morales
California High-Speed Rail Authority
770 L Street, Suite 800
Sacramento, CA 95814

RE: Request meeting to discuss Wasco/Shafter BNSF Corridor

Dear Mr. Morales:

On April 12, 2011 the Kern County Fast Track committee, set-up by the Kern County Board of Supervisors and local stakeholders, submitted a letter to Authority Director van Ark (attached) requesting two things: 1) Continued open communication between Kern stakeholders and the Authority, and 2) A request to discuss options on local issues for the draft EIR/EIS. The 14 signers of the letter had the following concerns:

- **Use the BNSF Alignment** – The Kern Stakeholders that participated in the Fast Track consensus building process agree that the HSR alignment should follow, as closely as possible, the existing BNSF tracks. However, it is essential that the Authority work closely with local communities and stakeholders to determine how and where the alignment is placed along the tracks to find mitigation solutions.
- **Take Advantage of Dual Purpose Mitigation for Environmental Justice** – One example of dual purpose mitigation would be the placement of grade separations and sound barriers to mitigate vehicle crossing safety and noise for both the existing rail lines and the HSR in the less affluent Central Valley communities. The goal is to make these environmental justice communities better than they are today.
- **Local Land Use Impacts** – Kern County stakeholders are committed to work cooperatively with the California High Speed Rail Authority to minimize impacts to local landowners located along the rail line. Stakeholders are interested in finding cost effective solutions based on best practices, to mitigate noise, vibration, visual and other impacts to local housing, agriculture, businesses, hospitals, and schools.

Addressing these issues can go a long way to alleviate local concerns about the project. On February 19, the City of Shafter re-affirmed these concerns through its Resolution No. 2259 (attached) stating:

- The HSR should mitigate impacts to the community, including cooperative efforts to address sound issues.
- Because the BNSF and HSR trains will further inhibit pedestrian and vehicle traffic across their respective rights-of-way, the HSR should also build grade separations to facilitate easier access for residents and public safety resources.
- The City Council hereby supports location of the HSR alignment along the BNSF track vs. the proposed bypass route to the east.

On February 21, 2013, Senator Rubio and Assembly Member Salas hosted a Town hall Meeting in Shafter that further brought up these concerns to the Authority staff, about the Wasco/Shafter Bypass Alignment including the potential impact to a producing oilfield and other infrastructure valued at over \$1 billion.

On February 28, 2013, Kern County Supervisor Gleason and staff from Kern County Roads Dept., Kern COG, BNSF and the California Division of Rail Director met with Regional Director Gomez to discuss the same concerns:

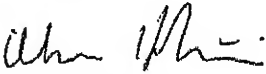
Kern Council of Governments

1401 19th Street, Suite 300, Bakersfield, California 93301 (661) 861-2191 Facsimile (661) 324-8215 TTY (661) 832-7433 www.kerncog.org

- If the alignment goes through Wasco, stay as close as possible to the BNSF alignment, while staying adjacent to the eastside of the BNSF tracks and provide some grade separations.
- The need to analyze the impact to freight traffic between Wasco and Bakersfield during interim use of the First Construction Segment and possibly double track BNSF from Bakersfield to Wasco, as suggested in Kern COG's comment letter to the State Rail Plan (attached).
- Request for delaying the ROD/NOD on the segment from Wasco to Bakersfield to allow more time for the issues on these two alignments to be resolved, and analyze this segment as part of the Bakersfield to Palmdale segment.

At that meeting, Authority Staff mentioned they may be considering recommending the bypass alignment in opposition to local concerns. Kern COG staff request a meeting with you at your earliest convenience, to discuss and work together with the Authority on these issues. We look forward to your response.

Sincerely,



Ahron Hakimi,
Executive Director

Attachments:

Kern Fast Track Letter - April 12, 2011
City of Shafter Letter/Resolution - March 7, 2013
Kern COG Letter - March 11, 2013

CC: Rudy Salas, Assemblyman, 32nd District
Mick Gleason, 1st District Supervisor, Kern County
Zack Scrivner, 2nd District Supervisor, Kern County
Mike Maggard, 3rd District Supervisor, Kern County
David Couch, 4th District Supervisor, Kern County
Leticia Perez, 5th District Supervisor, Kern County
Dan Richard, Chair, California High Speed Rail Authority Board
Tom Richards, Vice Chair, California High Speed Rail Authority Board
John Nilon, CAO, Kern County
John Guinn, City Manager, Shafter
Dan Allen, City Manager, Wasco
Allan Tandy, City Manager, Bakersfield
DJ Mitchell, Vice President, BNSF
Bill Bronte, Director, Caltrans Division of Rail
Diana Gomez, California High Speed Rail Authority



April 12, 2011

Roelof van Ark, CEO
California High-Speed Rail Authority
925 L Street, Suite 1425
Sacramento, CA 95814

RE: Kern County Fast Track Request To Discuss Issues Prior to Release of Fresno to Bakersfield Tier II EIR/EIS

Dear Mr. van Ark:

We are excited about the prospect of your upcoming visit to the Kern High Speed Rail Summit on May 16. Our excitement is driven by a local consensus on the general alignment through Northern Kern County; identification of the most cost-effective heavy maintenance facility sites; and a Bakersfield station located at the heart of our new Mill Creek Walk – an attractive year-round water feature with mixed-use entertainment and convention center districts.

Kern County Fast Track was created by the Kern County Board of Supervisors to provide Kern stakeholders with information on the development of High Speed Rail (HSR), both locally and system wide. Even more importantly, Fast Track provides a forum for discussion and consensus building around the issues associated with the High Speed Rail and the Heavy Maintenance Facility development.

In an effort to help streamline and assist the HSR environmental process, Kern County Fast Track recommends two endeavors be undertaken by the HSR Authority:

1) **Continue Open Communication Between Kern Stakeholders and the Authority** – Kern County Fast Track members are pleased with the increased dialogue between the authority and Kern County stakeholders and are hopeful that the Authority will communicate with Kern stakeholders about the latest proposed alternatives prior to the release of the draft environmental document. Communicating *prior* to the release of the draft environmental document will allow more opportunities for discussion of options, adjustments, and solutions. Kern County stakeholders, include but are not limited to the elected officials, managers and staff of:

- County of Kern
- City of Bakersfield
- City of Wasco
- City of Shafter
- Kern Council of Governments
- Kern High School District
- Mercy Hospital
- Wasco-Shafter Agricultural Group
- Golden Empire Transit District
- Paramount Agricultural Companies

2) **Discuss Options on Local Issues Prior To Release of Draft EIR/EIS** - The following are examples of options and solutions Kern stakeholders would like to discuss with the Authority:

- **Use BNSF Alignment** – The Kern stakeholders that participated in the Fast Track consensus building process agree that HSR alignment should follow, as closely as possible, the existing BNSF tracks. However, it is essential that the Authority work closely with local communities and stakeholders as to how and where the alignment is placed adjacent the tracks to find successful mitigation solutions.
- **Agriculture is a Primary Industry in Kern County** – The farms and cities in Kern County are interdependent and complement one another. Preserving prime agricultural land is essential to sustaining this industry and is consistent with the adopted local general plan policies for agricultural land use and preservation.
- **Take Advantage of Dual Purpose Mitigation for Environmental Justice Communities** – One example of dual purpose mitigation would be the placement of grade separations and sound barriers to mitigate vehicle crossing safety and noise for both the existing rail lines and the HSR in the less affluent Central Valley communities. The goal is to make these environmental justice communities better than they are today.
- **Heavy Maintenance Facility Site Impacts** – We believe that the Kern sites have the least environmental issues and provide the best infrastructure to support the Heavy Maintenance Facility of any of the sites proposed throughout the system. Kern stakeholders request an opportunity to discuss any required mitigation options prior to the release of the environmental document.
- **Local Land Use Impacts** – Kern County stakeholders are committed to work cooperatively with the California High Speed Rail Authority to minimize impacts to local landowners located along the rail line. Stakeholders are interested in finding cost effective solutions, based on best practices, to mitigate noise, vibration, visual and other impacts to local housing, agriculture, businesses, hospitals, and schools.

This list is far from comprehensive but provides examples of the important communication that needs to take place between Kern stakeholders and the Authority before the release of the environmental document. We think you will find that Kern's business friendly environment, and our ability to reach consensus, will provide the Authority the ability to expedite delivery of segments that provide the earliest benefits to the traveling public at the most efficient cost..

We thank you and your staff for bringing billions of dollars of federal funding to the San Joaquin Valley for the construction of the nation's first high speed rail system. **Kern County is committed as a community to work closely with the Authority to see the successful completion of this project.**

Please contact Ron Brummett, Executive Director at Kern COG, as they have offered to coordinate future meetings. Alternatively, feel free to contact my office directly.

Sincerely,



Mike Maggard, Chairman
Kern County Board of Supervisors

Kern County Fast Track Participants:



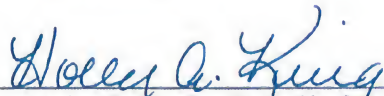
Steve Morgan, Chairman
Kern Council of Governments



Carl Joe Hively, Mayor
City of Wasco



Garry Nelson, Mayor
City of Shafter



Holly A. King, On Behalf of the
Wasco-Shafter Agricultural Group



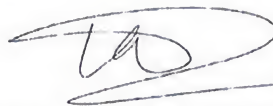
Don Carter, Superintendent
Kern High School District



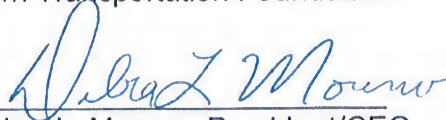
Russell V. Judd, President/CEO
Mercy Hospitals of Bakersfield



Karen King, Executive Director
Golden Empire Transit District



Bill Deaver, President
Kern Transportation Foundation

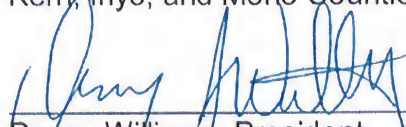


Debra L. Moreno, President/CEO
Greater Bakersfield Chamber of Commerce

Richard Chapman, President/CEO
Kern Economic Development Corporation



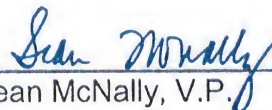
John Spaulding, Executive Secretary
Building & Construction Trades Council
Kern, Inyo, and Mono Counties



Donny Williams, President
Kern Inyo Mono Counties
Central Labor Council



John A. Ritchie,
Vice President Commercial Development
Paramount Agricultural Companies



Sean McNally, V.P.
Corporate & Government Affairs
Grimmway Enterprises, Inc.

cc: Curt Pringle, Chair High Speed Rail Authority



336 Pacific Avenue Shafter, California 93263

March 7, 2013

Tom Richards
Vice Chairman, Board of Directors
California High Speed Rail Authority
855 M Street, Suite 1110
Fresno CA 93721

Jeff Morales
CEO
California High Speed Rail Authority
770 L. Street, Suite 800
Sacramento, CA 95814

Dianna Gomez
Central Valley Regional Director
California High speed rail authority
2550 Mariposa Mall, Suite 3015
Fresno, CA 93721

RE: Fresno to Bakersfield High speed Rail Segment

Dear Mr. Richards, Mr. Morales, and Ms. Gomez:

I'm am writing you on behalf of the citizens of the City of Shafter and their elected representatives, the Shafter City Council, to inform you of Resolution 2259 opposing the HSR bypass alignment that would severely impact the citizens of Shafter. I have enclosed a copy of the resolution.

The City of Shafter has worked hard to encourage business development and the City is now home to one of the most important industrial centers in the State of California; the Paramount Logistics Park (PLP), located just north of Seventh Standard Road and in the path of the proposed bypass alignment. The bypass alignment would severely impact this industrial park and the economic future of the City of Shafter.

Currently the City of Shafter is economically healthy because of the businesses that have located in Shafter and brought opportunity to the City by selling products both retail and business to business which results in a solid use and sales tax base. The City of Shafter relies heavily on this form of income to provide the policing and other services the community needs. Additionally over 5000 people current rely on the PLP industrial park for employment and it is estimated that approximately 20,000 people would be employed there in the future.

Mr. Richards, Mr. Morales, and Ms. Gomez:
California High Speed Rail Authority
March 7, 2013
Page 2

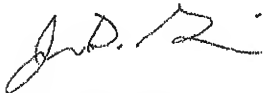
The park has the only industrial rail facility in the southern San Joaquin Valley capable to receive unit trains and provide intermodal service. It is the only chance for employment, a sustainable tax base and an opportunity to convert both imports to the valley and exports from the valley to rail transportation. Obviously, in a state littered with unemployment and economic hardships this success story does not need to be harmed. The City of Shafter currently operates the rail switching services in the park but would be unable to continue with HSR bisecting the facility. The loss to the community and the state as a whole would be devastating.

The City has calculated that it is currently receiving approximately \$10,000 per acre in sales tax and property tax in the park. This would equate to a \$25 million loss per year on 2500 impacted acres and \$250 million over the next 20 years with a present value of \$372 million today.

Should HSR maintain the current bypass route future clients would immediately cease looking at the PLP as an option for expansion or relocation and causing the City of Shafter immediate financial. It is clear the HSR proposed bypass alignment is not being analyzed properly and the true cost; or in this case, the loss of opportunity for the citizens of the City of Shafter is not being fully understood.

The City of Shafter urges the HSR Authority to better analyze the impacts of the bypass alignment and avoid a decision that is so putative to the citizens, the economy, the environment and the future of California.

Sincerely,



John D. Guinn
City Manager
City of Shafter

RESOLUTION NO. 2259

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHAFTER IN
SUPPORT OF THE "BNSF" HIGH SPEED RAIL ALIGNMENT VS THE "BYPASS"
ALIGNMENT**

WHEREAS, The City of Shafter receives no tangible benefit from the High Speed Rail ("HSR"), the City Council has studied the proposed alignments with the goal of supporting the option causing the least immediate and long-term negative impact to the community; and

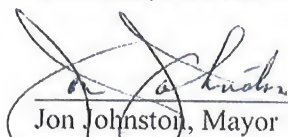
WHEREAS, the City Council of the City of Shafter supports the HSR alignment adjacent to the BNSF Railroad line; and

WHEREAS, the agricultural, commercial and residential properties affected by a bypass alignment of the HSR would cause significantly greater disruption and economic harm to the community than the BNSF alignment; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Shafter does hereby resolve, find, declare, determine, and order as follows:

1. That all of the facts in the recitals set forth above are hereby found to be true.
2. That the City Council and community of Shafter has a vested interest in the specific location of the High Speed Rail alignment.
3. The HSR should mitigate impacts to the community, including cooperative efforts to address sound issues.
4. Because the BNSF and HSR trains will further inhibit pedestrian and vehicle traffic across their respective rights-of-way, the HSR should also build grade separations to facilitate easier access for residents and public safety resources.
5. The City Council hereby supports location of the HSR alignment along the BNSF tracks vs the proposed Bypass route to the east.

PASSED, APPROVED AND ADOPTED ON THIS 19th DAY OF FEBRUARY 2013.



Jon Johnston, Mayor

ATTEST



Christine Wilson, City Clerk

CERTIFICATE OF GOVERNING BODY'S ACTION


STATE OF CALIFORNIA)
) ss.
COUNTY OF KERN)

I, Christine Wilson, City Clerk of the City of Shafter, California, DO HEREBY CERTIFY that the above Resolution 2259, a Resolution of the City Council of the City of Shafter, was duly passed and adopted at a Regular Meeting held on the 19th day of February, 2013, by the following vote:

AYES: Alvarado, Colvard, Florez, Johnston, and Prout.
NOES: None.
ABSENT: None.
ABSTAINING: None.

DATED: February 20, 2013

(SEAL.)



City Clerk of the City of Shafter



**Kern Council
of Governments**

March 11, 2013

Bill Bronte
Caltrans Division of Rail
P.O. Box 942874, MS 74
Sacramento, California 94274-0001

RE: **Comments on the Draft Rail Plan 2013 for California**

Dear Mr. Bronte:

Thank you for the opportunity to comment on the Draft Rail Plan 2013 for California. We have the following comments:

- 1) Page ES-9, California Intercity and High-Speed Network **Comment:** Add High Desert Corridor between Palmdale and Victorville as possible extension to ExpressWest service consistent with discussion on pages 264-265.
- 2) Page 156, BNSF Mainline Stockton to Bakersfield (San Joaquin Corridor) **Comment:** Add discussion on potential use of parallel former Southern Pacific mainline as a possible corridor for additional short haul capacity to the Port of Oakland should increases in Passenger Service and increased port traffic displace short haul use in the San Joaquin Corridor. The following is a map of a proposed Corridor from the 2011 Kern COG Regional Transportation Plan.



Kern Council of Governments

1401 19th Street, Suite 300, Bakersfield, California 93301 (661) 861-2191 Facsimile (661) 324-8215 TTY (661) 832-7433 www.kerncog.org

- 3) Page 174, second paragraph states "The first California HSR construction segment will include up to 130 miles of new HSR tracks on dedicated right-of-way from Madera to just north of Bakersfield. This segment will become available for interim *San Joaquin* intercity service between Madera and Bakersfield. Once HSR is operational, interim intercity service would cease, and *San Joaquin* service will continue over the existing BNSF route." This paragraph suggests that Amtrak passenger rail service will be unavailable to residents of Wasco and Corcoran during interim use of the first construction segment. Also, no mention is made to Amtrak alternatives to loss of passenger rail service such as a thruway bus connection. Yet on Page 217, fourth paragraph, second sentence states "These planning scenarios include up to six trains operating on the current BNSF route that would stop at the existing Hanford, Corcoran, and Wasco Amtrak stations." **Comment:** Kern COG recommends that the statement on Page 174 be edited to re-align with the statements made on page 217.
- 4) On Page 219, Table 8.9, **Comment:** To avoid the need for a potential reduction in service to Wasco and Corcoran, additional stops as early as 2020 as indicated in Table 10.1 should be considered for North/West Bakersfield and North Fresno on the BNSF route along the double track segment. Platforms, sidings, parking and right of way should be included in the San Joaquin Route Capital Investments in Table 8.9. Both sites would service over 100,000 population. See attached maps for 2020 thru 2040.
- 5) On Page 219, Table 8.9, **Comment:** During interim use of the HSR First Construction Segment around 2020, a 1 mile bus connector run between the Fresno HSR station on the UP and the Amtrak station on the BNSF will be needed. To avoid this, a switch between Fresno and Hanford allowing trains on the BNSF to pull into the HSR Station adjacent the UP is needed. Please analyze the potential benefit of this switch and add to Table 8.9 if warranted. See attached maps for 2020 thru 2040.
- 6) On Page 219, Table 8.9, **Comment:** After HSR IOS begins operating around 2025 and the San Joaquin are pushed back to the BNSF between Bakersfield and Madera, a 1 mile bus connector run between the Fresno HSR station on the UP and the Amtrak station on the BNSF will be needed. To avoid this, a conventional at-grade rail line parallel to the UP should be considered so that the two Fresno passenger rail stations can be consolidated at the same location. Please analyze the potential benefit of this parallel rail through Fresno and add to Table 8.9 if warranted.
- 7) On Page 219, Table 8.9, **Comment:** To bolster the feeder network for High Speed Rail, Kern is planning to extend Metrolink into Southeastern Kern County by 2040 to the community of Rosamond. Platforms, sidings, parking and right of way should be included in the San Joaquin Route Capital Investments in Table 8.9. The site would service over 10,000 employees at Edwards AFB. See attached maps for 2023 thru 2040.
- 8) On Page 275, sixth paragraph, second bullet states that Central Valley HSR service will include blended service hubs in Sacramento, Stockton, Merced, Madera, and Bakersfield. **Comment:** Kern COG is aware of the High-Speed Rail Authority's planning efforts to include the Cities of Fresno and Hanford as a HSR stations. Has this changed?
- 9) On Page 301, Table 10.1, Caltrans Division of Rail projects its growth and reduction of Amtrak *San Joaquin* service between Bakersfield and Madera ranging from 6 trains per day (2013 Baseline) to 2-5 trains per day (2020) plus 1 additional train per day between Bakersfield and Oakland. **Comment:** Kern COG recommends reserving a service agreement with BNSF and UPRR to reserve track rights for future growth of Amtrak *San Joaquin* service to complement HSR service.
- 10) On Page 301, Table 10.1, **Comment:** Add a series of a graphics or maps illustrating table 10.1. see attached sample.

- 11) On Page 301, Table 10.1, **Comment:** The 2025 column is a big step in the changes from 2020. An interim scenario is needed that looks at an Early Initial Operating Segment (EIOS) scenario for around 2023, or the 2025 scenario could be pushed back to 2030 and the EIOS could be for 2025. See the attached map for 2023.
- 12) On Page 301, Table 10.1, **Comment:** The table omits the Metrolink Antelope Valley service in 2013, 2020, and 2040 columns. The Antelope Valley route should be broken out in this table and properly reflected in the modeling because of the potential for feeder service and interim connector service to the HSR. See the attached map for 2023.
- 13) On Page 301, Table 10.1, **Comment:** The table omits the High Desert Corridor and connecting Palmdale to Victorville as early as 2020. The High Desert Corridor and Service to Las Vegas should be added to this table and properly reflected in the modeling because of the potential for feeder service and use in an Early Initial Operating Segment (EIOS) of HSR. That state rail plan should analyze the potential for using CA HSR trainset on the high desert corridor and run to Las Vegas as an EIOS, possibly attracting additional private investment and U.S. Senate support from Nevada. By building the EIOS from Fresno to Palmdale to Las Vegas the time and funding to operation of true high speed trains could be greatly reduced. See the attached map for 2023.
- 14) On Page 301, Table 10.1, **Comment:** The Interim Use of the First Construction Segment of HSR in the Improved 2020 column will require double tracking of BNSF segments on both ends of the First Construction Segment and should be reflected should be included in the San Joaquin Route Capital Investments in Table 8.9 on p. 219. See attached map for 2020.
- 15) On Page 301, Table 10.1, **Comment:** The potential reduction of service by up to 3 trains per day to the communities of Wasco and Corcoran beginning in 2020 needs to be supplanted by connector bus service to those stations. In addition, an agreement is needed with BNSF to retain those passenger rail slots for future use when ridership rebounds and service by rail is warranted again. See attached map for 2020 thru 2040.
- 16) Please reference our recently completed Kern freight rail studies available on our website at:
<http://www.kerncog.org/images/docs/studies/KernRailStudyPhaseII.pdf>
<http://www.kerncog.org/images/docs/studies/Kern County Short Line Rail Study 2011.pdf>
<http://www.kerncog.org/images/docs/studies/KernCounty GradeSepStudy DRAFT.pdf>

Thanks again for the opportunity to comment on the Draft Rail Plan 2013 for California. If you have questions or would like additional information, please contact Robert Ball, Director of Planning or Bob Snoddy, Regional Planner.

Sincerely,

Ahron Hakimi,
Executive Director



Robert Ball,
Director of Planning

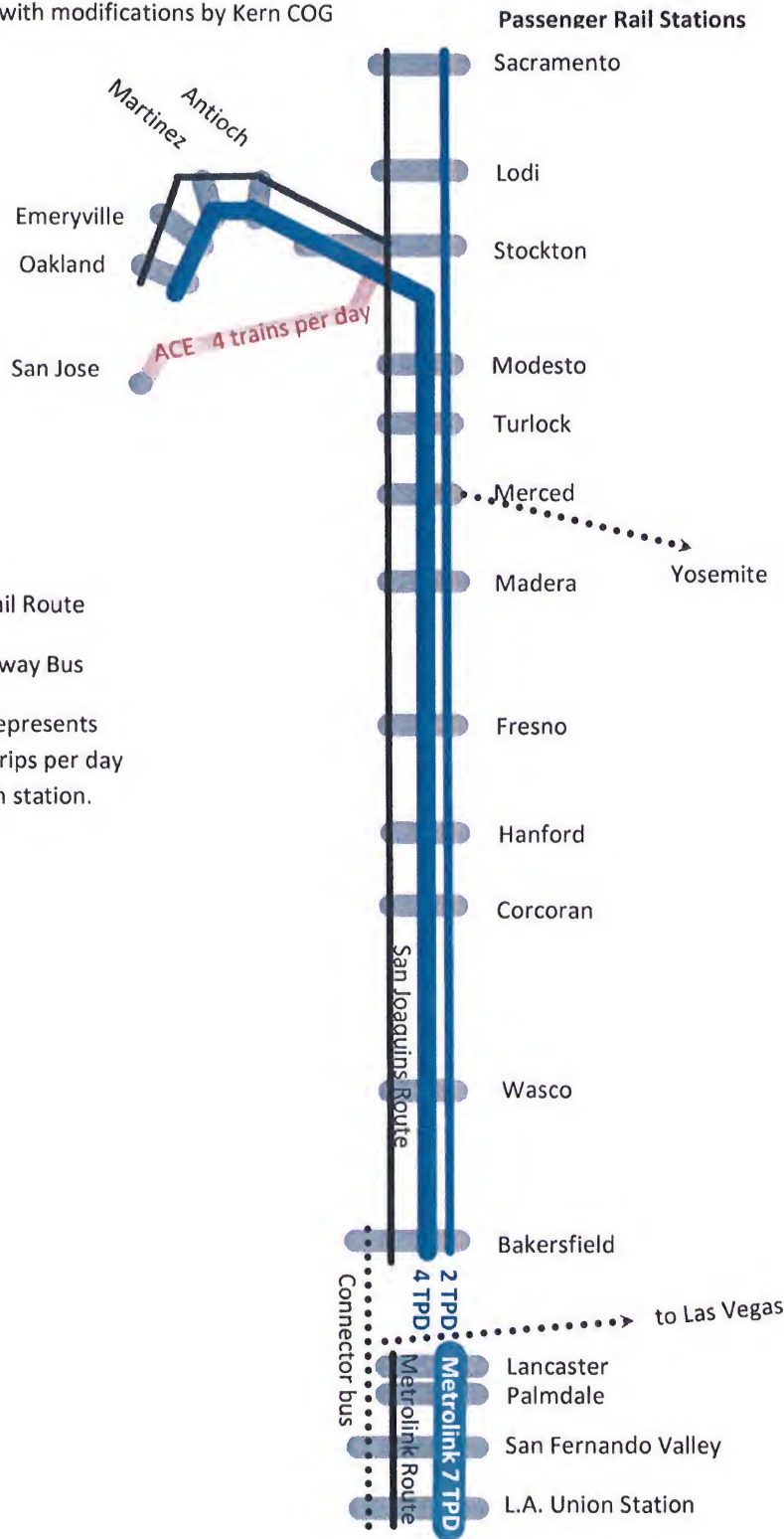
Attachments

2013 – Existing Amtrak San Joaquins Service & High Speed Rail Draft State Rail Plan 3/13

Diagram based on Table 10.1 with modifications by Kern COG

Table 10.1 provides the number of trains per day for 2013, 2020, 2025 and 2040. A diagram has been prepared for each year to illustrate comments being proposed to the Draft State Rail Plan.

- Legend
- Station
 - Passenger Rail Route
 - Amtrak Thruway Bus
 - Bandwidth represents train round trips per day (TPD) to each station.



with modifications by Kern COG

Passenger Rail Stations

Sacramento

Lodi

Stockton

Modesto

Turlock

Merced

San Jose

ACE 6 trains

Connector bus

Yosemite

Madera

Need to double track BNSF

North Fresno (potential)

Fresno

Potential switch allowing all trains to stop at Fresno HSR station on UP

Hanford

Corcoran

Wasco

Need to double track BNSF

North/West Bakersfield (potential)

Bakersfield

to Las Vegas

Lancaster

Palmdale

San Fernando Valley

L.A. Union Station

Metrolink 7 TPD

San Joaquins Route

High-Speed Rail Route

125 MPH Service on First Construction Segment of HSR

1 Train Per Day (TPD)

5 - 9 TPD

2 - 5 TPD

2 - 5 TPD

1 TPD

Connector bus

2023 - Amtrak San Joaquins Integration with High Speed Rail Early Initial Operating Segment (EIOS) - Draft State Rail Plan

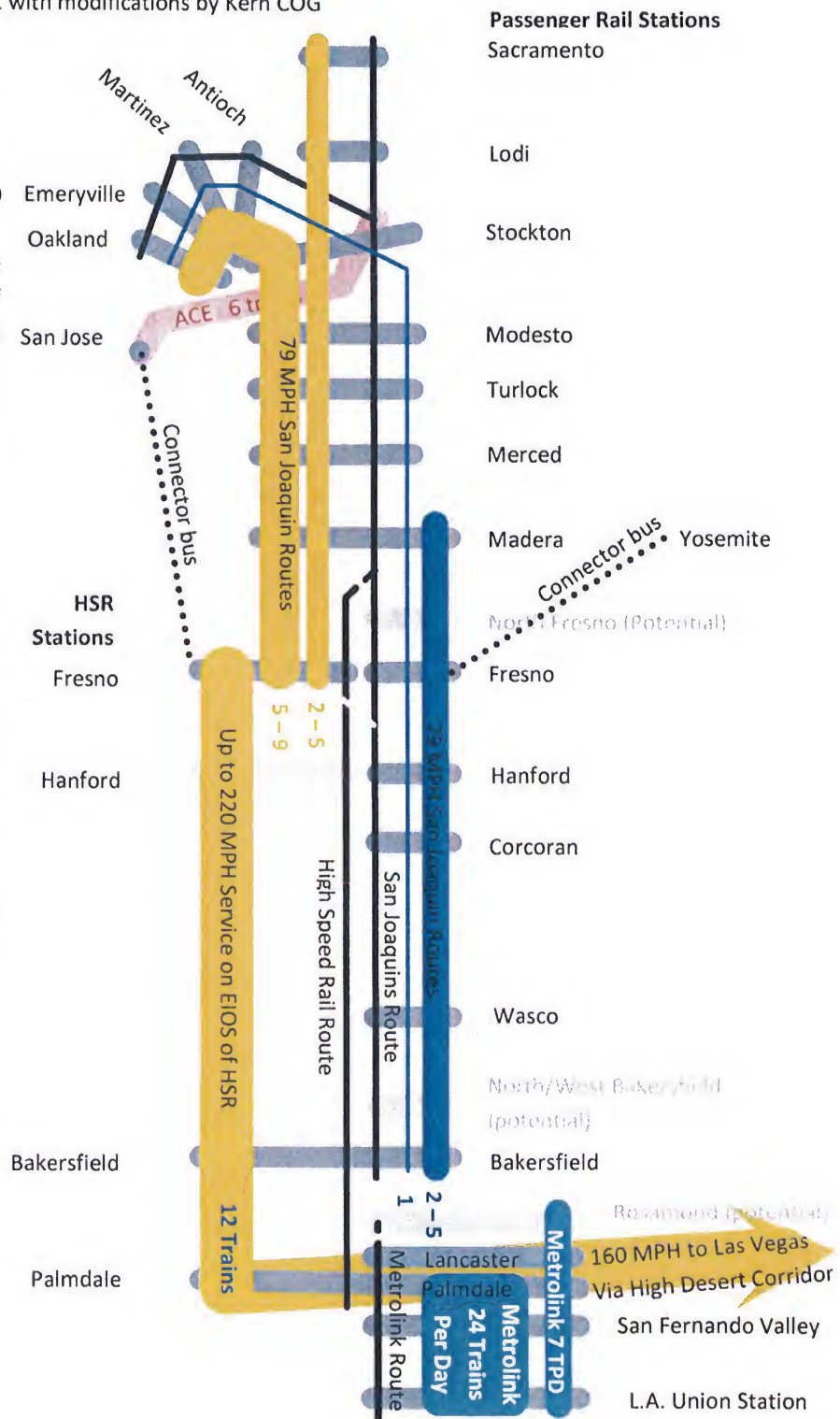
Diagram based on Table 10.1 with modifications by Kern COG

Table 10.1 and the High Speed Rail 2012 Business Plan lack an early initial operating segment (EIOS), should a portion of the \$20 Billion needed for the full IOS be delayed. This phase could require less than half of the \$20 billion as well as attract private investment and Senate support from Nevada. The plan should consider the following:

1) Connecting to one of the high speed trains (XpressWest or the X Train) to Las Vegas via the High Desert Corridor.

2) Addition of stops on the San Joaquins for segments that parallel HSR Service (North/West Bakersfield, and Rosamond).

3) Maintaining and expand Metrolink service North of San Fernando Valley to Palmdale/Lancaster and expand service north to the Rosamond at the gateway of Edwards AFB with over 10,000 employees.

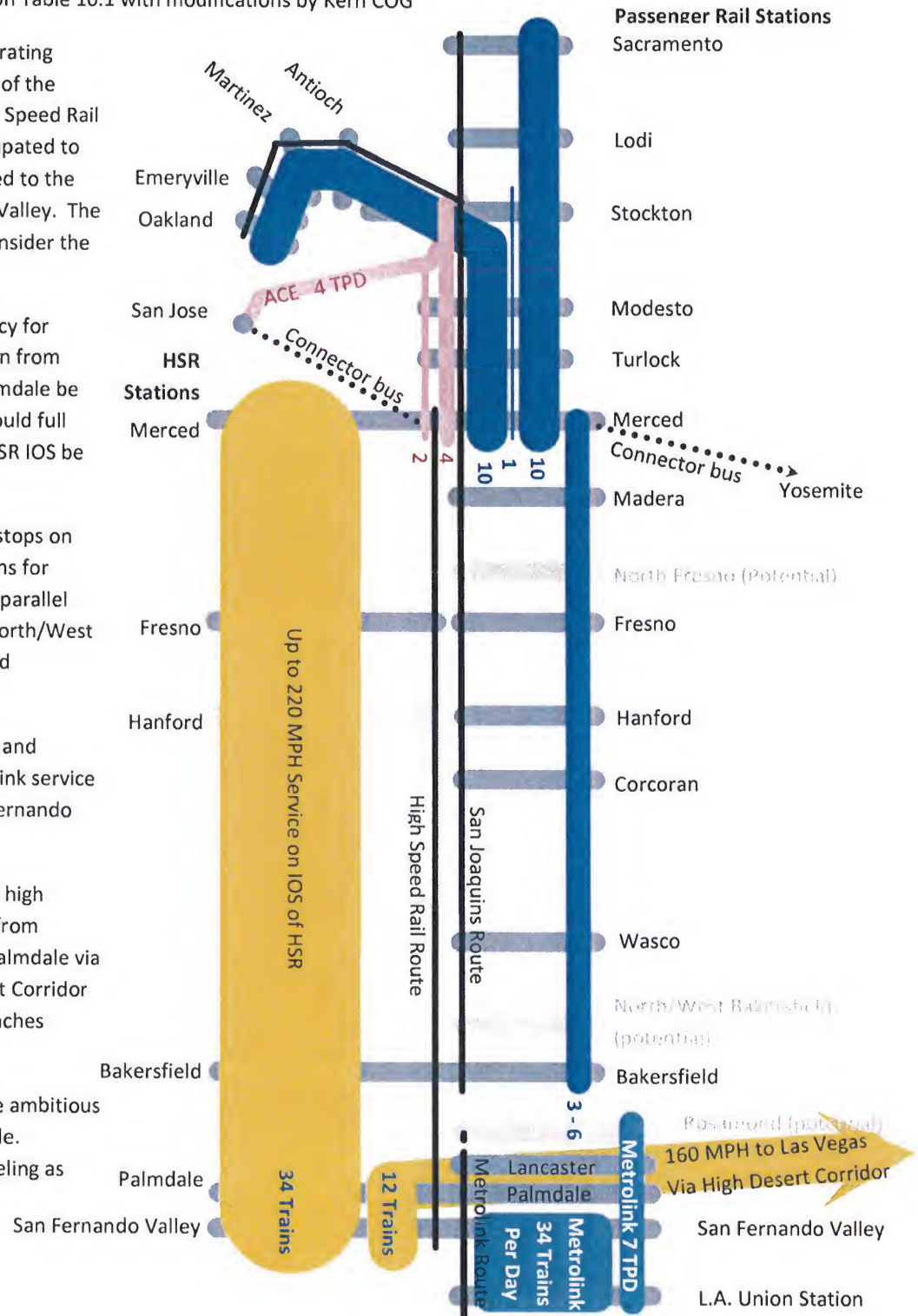


2025 - Amtrak San Joaquins Integration of High Speed Rail Initial Operating Segment (IOS) - Draft State Rail Plan 3/13

Diagram based on Table 10.1 with modifications by Kern COG

The Initial Operating Segment (IOS) of the California High Speed Rail (CHSR) is anticipated to connect Merced to the San Fernando Valley. The plan should consider the following:

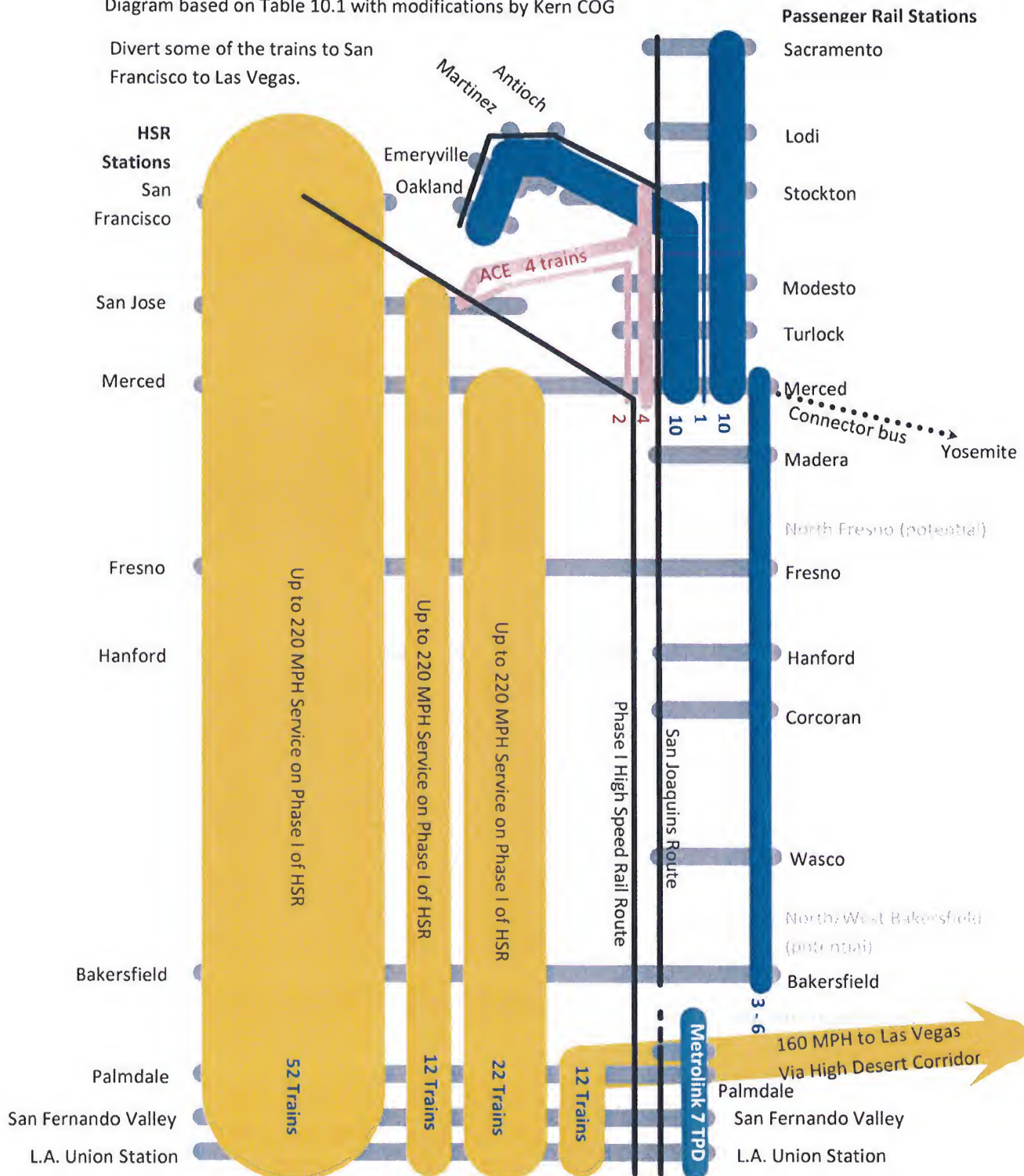
- 1) A contingency for initial operation from Madera to Palmdale be considered should full funding for CHSR IOS be delayed.
- 2) Addition of stops on the San Joaquins for segments that parallel HSR Service (North/West Bakersfield, and Rosamond).
- 3) Maintaining and expand Metrolink service North of San Fernando Valley.
- 4) Extension of high speed Service from Victorville to Palmdale via the High Desert Corridor when CHSR reaches Palmdale.
- 5) 2025 may be ambitious for this schedule. Consider relabeling as 2030.



2040 - Amtrak San Joaquins Integration Phase I High Speed Rail Draft State Rail Plan 3/13

Diagram based on Table 10.1 with modifications by Kern COG

Divert some of the trains to San Francisco to Las Vegas.



Bob Snoddy - Amended April 4, 2013 Baord Meeting Agenda

Bob Snoddy item 4

From: "California High-Speed Rail Authority" <info@hsr.ca.gov>
 To: <snoddy@kerncog.org>
 Date: 3/29/2013 4:55 PM
 Subject: Amended April 4, 2013 Baord Meeting Agenda



*Amended 03/29/13

Monthly Meeting Agenda
April 4, 2013
10:00 AM

Fresno City Council Chambers
 2600 Fresno Street
 Fresno, CA 93721

Additional Locations:

Sacramento City Council Chambers
 915 I Street
 Sacramento, CA 95814

State of California Building
 455 Golden Gate Avenue, Room 14000
 San Francisco, CA 94102

PUBLIC COMMENT

For this meeting, an opportunity for public comment will be provided before the consideration of each individual agenda item at each location. Those persons who wish to comment on agenda and non-agenda items, are required to submit their requests to Board Secretary before the start of the meeting by filling in the green cards. Typically public comment will be limited to 90 seconds per person, however the Chair may decide to shorten or lengthen the public comment periods, at his or her discretion.

- | | <u>Responsible</u> |
|--|--------------------|
| 1. Proposal to Amend the Regional Consultant Contract with Parsons Transportation Group (PTG)
<i>Staff will propose that the Board amend the contract with PTG for Regional Consultant services on the San Jose-Merced project section.</i> | D. T |
| 2. Proposal to Amend the Regional Consultant Contract with the URS Joint Venture (URS JV)
<i>Staff will propose that the Board amend the contract with the URS JV for Regional Consultant services on the Fresno-Bakersfield project section.</i> | D. T |
| 3. Supplemental Alternatives Analysis Report for Central Valley Wye
<i>Staff will present an update and will describe and make recommendations on the range of Central Valley Wye alternatives to be studied in a subsequent EIR/Supplemental EIS (SEIR/SEIS) for the Merced to Fresno Section.</i> | D. C |
| 4. Informational Update on Identification of Preferred Alignment and
n Locations for Inclusion in Fresno to Bakersfield Final EIR/EIS | |

present technical information and its preliminary recommendations for the preferred alignment and station locations noted in the Fresno to Bakersfield Final EIR/EIS.

M. McI

Session Pertaining to Litigation

City will meet in closed session pursuant to Government Code section 11126(e)(2)(A) to confer with counsel with the following litigation:

T. F

- John Tos; Aaron Fukuda and County of Kings v. California High Speed Rail Authority, Sacramento Superior Court Case No. 34-2001-00113919
- County of Madera v. California High-Speed Rail Authority, Sacramento Superior Court No. 34-2012-80001165
- Town of Atherton v. California High-Speed Rail Authority, Sacramento Superior Court No. 34-2008-80000022
- Town of Atherton v. California High-Speed Rail Authority, Sacramento Superior Court No. 34-2010-80000679
- Town of Atherton v. California High-Speed Rail Authority, Court of Appeal, Third Appellate District, Case No. C070877

The Authority will meet in closed session pursuant to Government Code section 11126(e)(2)(B)(i).

Reasonable Accommodation for Any Individual with a Disability

Any Individual with a disability who requires reasonable accommodation to attend or participate may request assistance by contacting the Authority at (916) 324-1541. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators should be made no later than one week prior to the meeting.

*Room Number Added to San Francisco Location

*Main Meeting Location is Fresno City Council Chambers

*Additional Locations in Sacramento and San Francisco



916 324 1541 • www.cahighspeedrail.ca.gov

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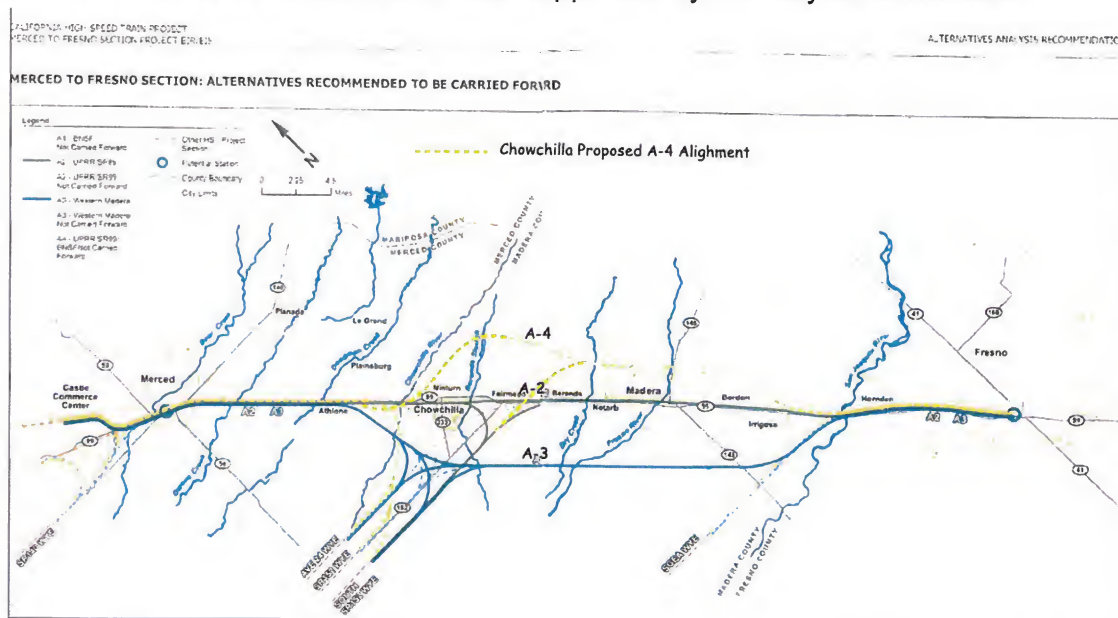
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Chairman Dan Richard
California High Speed Rail Authority
700 L Street, Suite 800
Sacramento, CA 95814

Valley Planning Consultants has participated in the Technical Working Group (TWG) for the Fresno – Merced Segment of the High Speed Rail Project since 2009. During that time we worked with Madera County and the Cities of Chowchilla and Madera to seek practical and realistic alternative routes in Madera County and in particular the Chowchilla Wye.

As early as March 8, 2009 July 15, 2009 at a TWG we presented an Alternative Route based on the HSR BNSF Alternative A-4 that would avoid impacts in Merced County near Le Grand and Planada that was supported by the City of Chowchilla.



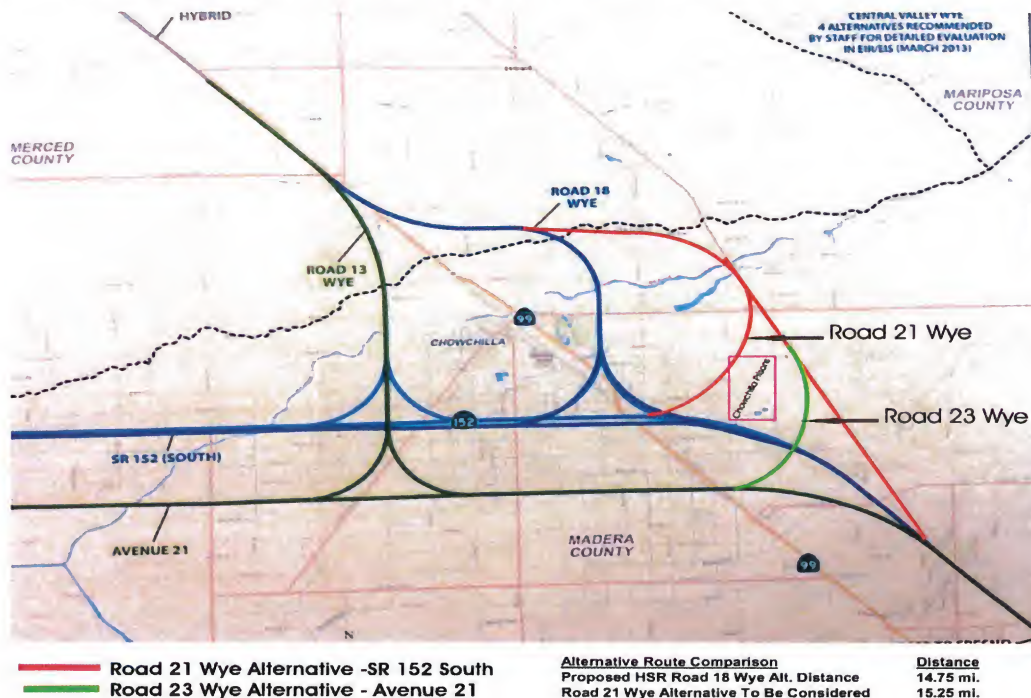
Part of that alternative was carried forward as the Hybrid Alternative and is now known as the Avenue 21 Alternative (minus the Road 13 Wye and Road 18 Wye). The Alternative proposal considered at this TWG meeting included a western connection between Ash Slough and the Chowchilla River so as to avoid potential conflict within Merced County. As late as December 2011, comments were made in the route selection process to reconsider this alternative to prevent incompatibility with the Chowchilla General Plan, maintain the City's balanced growth policy, minimize conversion of superior agricultural land on the westside of the City, maintain HSR

project within BNSF rail corridor for a longer distance, reduce the number of HSR crossings of SR 99, fewer stream crossing structures, with small increase in track mileage, and no reduction in travel time between Los Angeles and San Francisco.

Recently during the High Speed Rail Update meeting (3-27-13) held at the Chowchilla Fairgrounds, concern was expressed about the Road 18 Wye proposal as being too near existing and approved development that was not thoroughly vetted in the on going analysis. Suggestions were made to move the Wye Alternative further to the east where it would not conflict with existing and approved development, interfere with the City's adopted General Plan, and place substantial capital cost to bridge the HSR on any new development considering eastward growth as planned by the City. Others present were equally dismayed why a Wye was proposed adjacent to a growth area in the City when a more friendly and cost effective Wye Alternative was considered and not carried forward several years earlier.

Several letters to the HSR Board were generated emphasizing those concerns and are attached here.

Since the Board has deferred consideration of the Chowchilla Wye to the Gilroy-Merced SEIR/SEIS, it not too late to consider an additional Wye alternatives ("Road 21 Wye and the Road 23 Wye") as part of the Gilroy-Merced SEIR/SEIS.



Respectfully submitted,

Thomas Skinner, Principal



April 3, 2013

Chairman Dan Richard
California High Speed Rail Authority
770 L Street, Suite 800
Sacramento, CA 95814

Chairman Richard,

The California High Speed Rail Authority is scheduled to discuss the "Supplemental Alternatives Analysis Report for the Central Valley Wye" at the April 4, 2013 monthly meeting. Under this heading, it is my understanding that staff will provide several alternative Wye alignments.

As we know, each of these alignments is fraught with challenges. The geography and transportation corridor routes in this area of the state add great complexity to a CHSR alignment. Thus, as the goal in this board information item is for the Authority to reduce alignment options, I would like to sincerely encourage you to continue to analyze the alignment that follows the BNSF transportation corridor, which is farther east than your current plan.

This Far East/BNSF alignment, which is displayed in an attached document, offers numerous benefits that are not seen in the current proposals. Such benefits include but are not limited to:

1. The Far East / BNSF Alternative Route is in poorer agricultural soils and therefore preserves higher quality agricultural areas found on the western side of Chowchilla.
2. This Route does not conflict with the Chowchilla General Plan and will not truncate planned eastward growth of the City.
3. The Route will not require substantial investment of overcrossings of City streets for the City to continue to grow easterly.
4. The Route only requires two crossings of SR 99 and UPRR where the Road 18 Alternative is slated to require three crossings.

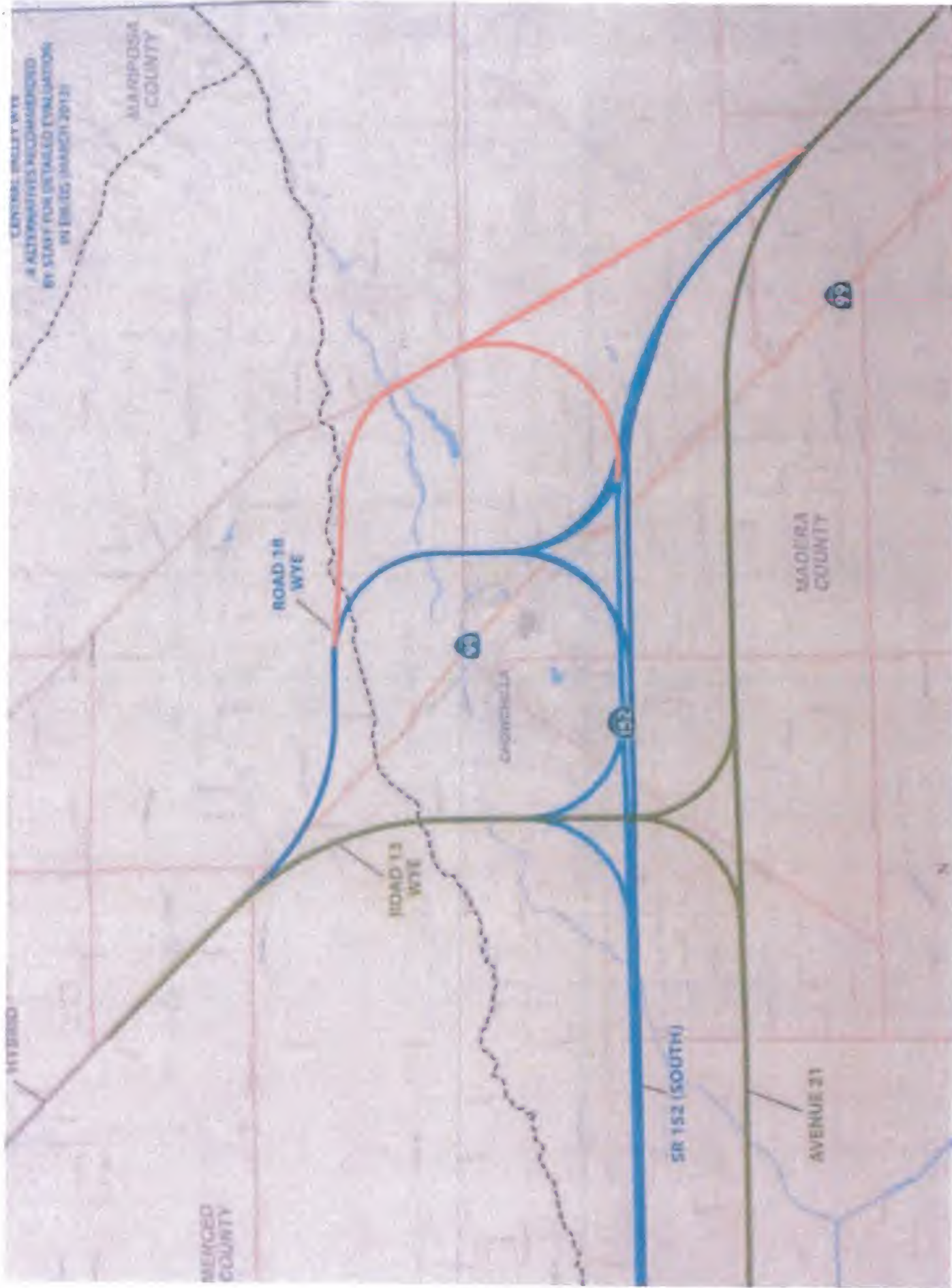
5. The Route utilizes an existing rail transportation corridor (over a mile worth which is a greater distance than proposed under the Road 18 Alternative).
6. The Route requires fewer existing street overcrossings than other alternatives.
7. The Route impacts fewer existing commercial businesses and industrial based employment.
8. The Route is only a half mile longer than the Road 18 Alternative
 - a. Road 18 Wye Alternative - 14.75mi
 - b. Far East / BNSF Wye Alternative- 15.25mi
9. The Route has the same number of stream crossings as the Road 18 Alternative but offers the benefit of combining crossings at Ash and Brenenda Sloughs.
10. The Alternative may provide overall construction cost savings compared to the Road 18 Alternatives (considering ROW, structures and accessibility).

In light of the many benefits offered under the Far East / BNSF Alternative, I request your consideration of this option as the California High Speed Rail Wye discussions progress. With many challenges and obstacles found throughout the Valley segment, this Alternative for the Wye represents an efficient, economic and exciting solution for the Chowchilla region.

Sincerely,



Don Kojima



Kojima Alternative

Alternative Route Comparison
 Proposed HSR Road 18 Wye Alt. Distance
 Kojima Alternative To Be Considered

Distance
 14.75 mi.
 15.25 mi.



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*Directors of Litigation,
Advocacy
& Training*

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Watsonville	Stockton

April 30, 2013

Chairperson and Members
California High-Speed Rail Authority
770 L St., Ste. 800
Sacramento, CA 95814-3359

Re: Fresno-Bakersfield Final EIR/EIS

Dear Chairperson Richards and Board Members:

With this letter (our monthly epistle), we incorporate by reference our previous comments and continue to urge this Board to take the very necessary steps to ensure that Resolution 12-30 is fully and fairly implemented. It bears repeating that whether job goals are met depend on turning the terms of the Collective Bargaining Agreement (CBA) into deeds. To achieve this, the agreement must explicitly address two critical issues. First, there must have adequate monitoring and reporting requirements to identify violations and allow for enforcement actions. Second, signatories to the CBA must be held accountable for the terms and conditions set forth therein. Effective monitoring and sanctions are the means for such accountability.

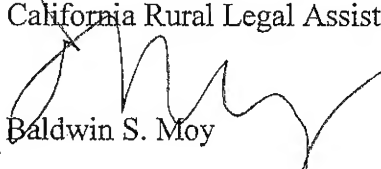
In our prior letters we recommended an independent monitoring entity that is not affiliated with the Prime Contractor and offered some ideas regarding sanctions and proposed some language that could be placed in the CBA to strengthen the document and its enforceability. With regard to the latter, no monitoring system can be effective without sanctions for failing to reach stated goals. As you are probably aware, sanctions in the form of no draw-down payments, monetary fines, withholding a percentage of a retainer or progress payments and/or loss of contract are common place in public projects. However, to the extent that the Authority is reticent about imposing "sanctions," the CBA can incentivize compliance by awarding bonus bid points for future work projects. Since the rail system will be built in stages, CSE's will be more likely to comply in order to receive bid points to improve their competitive advantage on future contract opportunities. Alternatively, lagging CSE's who don't meet the hiring targets must make up the shortfall on other projects in the alignment. This form of self-policing may be equally effective and less expensive to effect.

Ultimately, all stakeholders benefit from a well-thought out and well-written contract which provides for monitoring and enforcement through a

compliance entity who establishes a strong regime that works closely with CSE's on their employment plans well before the project starts and provides for regular tracking of progress with the threat of vague consequences in the background. Otherwise, the project will be bogged down in disputes and lawsuits ongoing. In closing, we urge the Board to "get it done."

Thank you for your anticipated cooperation and kind attention to the points raised in this letter and we stand ready to provide clarification and further comments.

Very truly yours,
California Rural Legal Assistance


Baldwin S. Moy

It's a clear, warm spring evening on the farm. The crickets are chirping, birds still tweeting and the night owls are out and about.

Every time I am able to truly appreciate the beauty of nature that surrounds me, my thoughts always return to...."Well, enjoy the peacefulness while you can until they..."

One doesn't have to live on a farm to enjoy their surroundings. Those who have worked hard to provide a life for their family through their small business, larger business, dairy and those whose livelihoods depend on them usually feel the same. I'm sure you enjoy what you do for a living aside from your role as a board member. I'm also certain, one wouldn't want to live their life wondering when the next twist in the tale of the Golden State's high-speed rail project takes off on another wild ride....or maybe the California High-Speed Rail Authority does which is why the games continue to go on.

Those in the proposed paths of the California high-speed train have become family and I came here today to make sure their voices are still heard. I've been a board member of the Citizens for California High Speed Rail Accountability since July 2011, joining with them since I couldn't get a straight answer from anyone affiliated with the California High-Speed Rail Authority. Some things never change. This past Monday at our board meeting, we looked at maps of the affected routes. I want everyone here to realize that whether it is your actual property that you are viewing, there is a sick feeling inside when someone is adversely affected. The families whose maps I viewed are small farmers. They just want to be left alone so they can farm and do what makes them happy. They want to be able provide for their family and others, to be at peace. Farming is a very noble profession and most of those in it are as well.

The people in our group, those who we have met along the way in proposed paths along with concerned citizens not in the path have become family. We sincerely care about one another and what happens to each other. We are going through the same emotions and wonder why anyone in this state is going to have to sacrifice their noble livelihoods for an infrastructure project built on a house of cards!

I make sure to read the latest headlines and keep up with how the biggest infrastructure project of it's kind in this great state of California is being watered down with bookends and toyed with technically...and it just doesn't make any sense. When I first officially addressed the impacts to our family farm back in October 2011, one question was our concern of a possible derailment, which would be catastrophic considering our close proximity. By considering selection of the least technically sound construction firm, the California High-Speed Rail Authority Board is making this possibility an almost certain reality.

One's integrity is all they have in this world. I ask each of you today as an individual, to take a good look at how this project is being handled and ask yourselves, would being affiliated with this particular high-speed rail project in its current state of disarray and putting hard-working Californians through the unpredictable twists and turns would make one's loved ones proud? Would I want this to be my legacy? I know I wouldn't want it to be mine. Thank you.

Sincerely,



Shelli Andranigian

Citizens for California High Speed Rail Accountability (CCHSRA) Board Member